

# Draft for Review: Report and Recommendations of the California Agricultural Land Equity Task Force

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## Executive Summary

Stable and secure access to land is vital to achieving a robust food system, healthy natural and working lands, and long-term prosperity for California's producers and land stewards.

California's past and present, however, are characterized by inequitable access to land. For decades, many communities of farmers, ranchers, and Tribal land stewards have been systemically excluded from land ownership and secure tenure in California due to race, ethnicity, gender, class, and citizenship status, among other factors. These exclusions have far-reaching consequences for the wellbeing of these individuals and communities and the state's ecological and economic resilience.

Addressing these past and continuing harms requires active efforts to ensure that all people have secure and affordable access to viable land for the care and cultivation of food, fiber, medicine, and culturally valuable resources, free from systemic barriers and racial disparities. In turn, these efforts hold potential to benefit all Californians by strengthening local, diverse food economies and enabling climate-smart and resilient agricultural practices.

In 2022, the California State legislature established the California Agricultural Land Equity Task Force to develop recommendations for the legislature and the Governor on how to equitably increase access to land for food production and traditional Tribal agricultural uses.

This report is a culmination of two years of meetings, site visits, guest speakers, presentations, and community engagement sessions across California. The views and recommendations expressed herein are those of the California Agricultural Land Equity Task Force and do not reflect an endorsement by the State of California.

## Summary of Goals and Recommendations

### Goal 1: Tribal Stewardship and land return

- 1.1 Return state-owned lands to Tribal Nations
- 1.2 Expand land access and return opportunities for California Tribal Nations
- 1.3 Enable and promote the implementation of Traditional Ecological Knowledge

### Goal 2: Protected and thriving agricultural lands

- 2.1 Establish a statewide Agricultural Land Mitigation Program
- 2.2 Develop and fund land steward-focused conservation tools
- 2.3 Expand and steward state-owned land base suitable for agriculture
- 2.4 Incentivize and support local governments to protect and lease viable agricultural land

**Goal 3: Equitable land transition and acquisition**

- 3.1 Establish and fund a Land Observatory
- 3.2 Develop first opportunity to purchase ordinances
- 3.3 Establish new funding programs that are flexible and designed to serve priority producers and land stewards
- 3.4 Continually evaluate and improve funding programs
- 3.5 Support tailored technical assistance and capacity building

**Goal 4: Secure land tenure**

- 4.1 Address inequitable policy consequences while respecting the intention of the law
- 4.2 Direct, incentivize, and support local governments to adopt zoning and land use planning practices that facilitate secure land tenure and stewardship
- 4.3 Address power imbalances in landowner-tenant relationships

This document is a preliminary summary of conversations to date and is subject to change.

## Overview of the California Agricultural Land Equity Task Force

Established in the California Budget Act of 2022 (AB 179), the California Agricultural Land Equity Task Force (Task Force) is a 13-member, public body administered by the California Strategic Growth Council (SGC). The governing statute directs the Task Force to “submit a report to the Legislature and Governor... that includes a set of policy recommendations on how to address the agricultural land equity crisis” by January 1, 2026.

### Membership

Members were appointed by the California Strategic Growth Council, in consultation with the California Department of Food and Agriculture (CDFA) Farm Equity Advisor and the California Truth and Healing Council. The following individuals were appointed to the Task Force in accordance with the membership categories specified in statute. The chair and vice chair are listed first, followed by the other members in alphabetical order by first name.

- Nelson Hawkins, Task Force Chair and Founder, We Grow Urban Farm
- Emily Burgueno, Task Force Vice Chair and Head Seed Keeper, Iipay Nation of Santa Ysabel
- Darlene Franco, Chief Executive Officer and Wukchumni Council Chairwoman, Wukchumni Tribe
- Doria Robinson, Agricultural Industry Member, California State Board of Food and Agriculture, and Executive Director, Urban Tilth
- Dorian Payán, Director of Holistic Land Relations, Sustainable Economies Law Center
- Irene de Barraicua, Director of Policy & Communications, Líderes Campesinas
- James Nakahara, Farm Business Advisor, Kitchen Table Advisors
- Lawrence Harlan, Treasurer, Fort Bidwell Indian Community Council
- Liya Schwartzman, Senior Program Manager, California FarmLink
- Nathaniel Brown, Owner/Operator, Brown Sugar Farm
- Qi Zhou, Community Engagement and Collaboration Program Manager, California Association of Resource Conservation Districts
- Ruth Dahlquist-Willard, Interim Director, University of California Sustainable Agriculture Resource and Education Program (UC SAREP)
- Thea Rittenhouse, Farm Equity Advisor, California Department of Food and Agriculture

### Development of Recommendations

The Task Force developed its recommendations through a collaborative process from October 2023 to December 2025, which included public meetings, discussions with a wide range of individuals with diverse knowledge and experiences, and multiple forms of community engagement, as summarized in Table 1.

**Table 1: Overview of work conducted**

Activity	Format	Number
Task Force meetings	Public, Hybrid	13
Subcommittee meetings	Public, Virtual	XX
Regions visited		9
Invited speakers		XX
Site visits		XX
Engagement sessions		XX
Survey responses	Digital	207

### Public meetings

The Task Force accomplished the bulk of its work in hybrid public meetings held in different regions across the state, as well as virtual subcommittee meetings that explored specific topics. These meetings took the Task Force to nine different regions in California and included a total of [XX] invited speakers to share their expertise and lived experiences.

### Community engagement

The Task Force prioritized community engagement throughout its process to ensure its final recommendations were responsive to the challenges and priorities of the communities it seeks to serve. A comprehensive overview of all outreach activities conducted can be found in the appendix [forthcoming].

Core components of the Task Force’s outreach efforts included site visits with farmers, ranchers, and Tribal land stewards, a digital survey in English, Spanish, and Chinese, and a series of in-person and virtual engagement sessions. Staff and Task Force members synthesized the learnings from these outreach efforts in writing, discussed key takeaways during meetings, and incorporated the details and case studies into their recommendations.

### Technical guidance

The report development process also included review by an Advisory Committee and an Interagency Review Panel to ensure that the proposed recommendations would be efficacious and impactful. The Task Force solicited and incorporated input from the Advisory Committee on specific topics and concepts when they desired specific input on the implementation or technical details of its recommendations. The Interagency Review Panel consisted of representatives from seven cabinet-level agencies who reviewed the draft recommendations for overlap with their agencies’ existing goals, programs, and

operations. Task Force members made the final decisions about whether and how to implement the feedback they received.

## What is agricultural land equity?

**Agricultural land equity is when all people have secure and affordable access to viable land for the care and cultivation of food, fiber, medicine, and culturally valuable resources, free from systemic barriers and racial disparities.** Advancing agricultural land equity requires changing policies, practices, systems, and structures to achieve meaningful improvements in the lives of land stewards who have been historically and systematically excluded from secure land tenure.

Effective progress towards agricultural land equity requires a nuanced understanding of how forms of inequity intersect and implementing a diverse set of solutions tailored to specific socioeconomic, geographic, and historical contexts.

Land equity may represent different goals and require distinct courses of action depending on the historical and contemporary harms being addressed and the specific individuals, communities, organizations, and governments involved. For Tribal Nations, land equity requires full sovereignty on ancestral lands. For beginning and socially-disadvantaged farmers and ranchers, land equity means having the ability to make a stable, dignified living as a producer or land steward and pass land on to the next generation. And for others, achieving land equity means building capacity for cooperative landholding and collective organizing.

This diversity of goals requires a nuanced understanding of agricultural land equity as a community-centered process. It also requires acknowledging and addressing how solutions have differential impacts depending on the specific community and context. Rather than a singular checklist of required components, progress toward agricultural land equity must be designed and led by individuals and communities that land equity is intended to serve.

This process requires a more expansive and inclusive understanding of agriculture and agricultural land. For the purposes of this report, **agriculture is defined as the knowledge and practice of caring for and cultivating plants, animals, and ecosystems for food, fiber, medicine, or other resources.** This includes gardening, horticulture, viticulture, dairying, poultry farming, beekeeping, ranching, and Traditional Ecological Knowledge and practices. Building from this definition of agriculture, **agricultural land is land that is stewarded to produce resources valuable to the communities engaged in the practices and knowledge of cultivation.**

These definitions are intended to be inclusive of the producers and land stewards who have been actively excluded in the past and continue to be excluded today. Throughout this report, **priority producers and land stewards refer to socially disadvantaged and historically underserved farmers, ranchers, and Tribal land stewards, as defined in the 2017 Farmer Equity Act (AB 1348) and the Agriculture Improvement Act of 2018 (H.R.2).**



The following section outlines the importance of prioritizing these specific groups to eliminate disparities, advance collective wellbeing, and ensure that all producers and land stewards in California can fully thrive.

## Historical context and contemporary disparities

The creation of California's immense agricultural industry was facilitated through large land transactions, which displaced Native Californians from their ancestral homelands and led to an unequal distribution of privately-held agricultural lands.<sup>1</sup> This structure persists to this day, allowing larger agribusinesses to continue thriving while smaller-scale agricultural businesses and Tribal Nations struggle with resiliency, often due to a lack of secure access to viable land.

It is necessary to chart a path forward that allows all Californians who wish to access agricultural land to do so in a manner that promotes economic, ecological, and social prosperity. Acknowledging and addressing past harms and eliminating structural barriers to accessing agricultural land is necessary to ensure that California can meet the contemporary needs of all its residents. To meet California's goals related to climate adaptation, public health, and economic resiliency, secure access to viable agricultural land must be distributed fairly.

California's agricultural history is marked by extreme disparities. California is the leading agricultural producer in the country, and even the world. Yet, while the state's agriculture industry has produced wealth for some, many others struggle to sustain their businesses, families, and communities. These contemporary struggles are rooted in a long history of discrimination in the state. Like that of the U.S., California's past is characterized by historical injustices, including centuries of land theft and discriminatory practices, that underlie current disparities.<sup>2</sup> These include:

- The violent removal of California Tribal Nations from their lands, setting the stage for discriminatory laws and practices that persist today.<sup>3</sup> Unratified treaties with the federal government left many Tribes homeless and subject to vagrancy laws that forced them to work on new settlers' farms.<sup>4</sup>

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<sup>1</sup> Olmstead, Alan L. and Paul W. Rhode. 2017. "A History of California Agriculture." University of California Agriculture and Natural Resources.

[https://s.giannini.ucop.edu/uploads/giannini\\_public/19/41/194166a6-cfde-4013-ae55-3e8df86d44d0/a\\_history\\_of\\_california\\_agriculture.pdf](https://s.giannini.ucop.edu/uploads/giannini_public/19/41/194166a6-cfde-4013-ae55-3e8df86d44d0/a_history_of_california_agriculture.pdf); Pisani, Donald J. "Land Monopoly in Nineteenth-Century California." *Agricultural History*, vol. 65, no. 4, 1991, pp. 15–37. JSTOR, <http://www.jstor.org/stable/3743944>

<sup>2</sup> Raya, Marisa. 2025. "Causes of Agricultural Land Disparities in California."

<https://storymaps.arcgis.com/stories/67597d0c3ace4f00ba88a1e7bf1e9906>

<sup>3</sup> [Executive Order N-15-9](#)

<sup>4</sup> Johnston-Dodds, Kimberly. 2002. "Early California Laws and Policies Related to California Indians." California Research Bureau. <https://courts.ca.gov/publication/california-research-bureau-early-california-laws-and-policies-related-california>.

- Racial terror and land theft that destroyed thriving African American communities and discriminatory lending practices by the United States Department of Agriculture (USDA) and other agencies that led to African American farmers being forced off their land.<sup>5</sup> Local sundown laws excluded African Americans from living in prime farmland areas, and thriving agricultural communities, such as Allensworth, faced denial of rail and water infrastructure.<sup>6</sup>
- State and state-backed federal immigration laws and exclusion acts intended to maintain a low-cost supply of farm labor while denying property rights on the basis of race, ethnicity, or national origin.<sup>7</sup> These include the Chinese Exclusion Act of 1882 and the Alien Land Laws of 1913 and 1920 that barred Asian immigrants from buying and leasing farmland.<sup>8</sup> In 1942, Executive Order 9066 led to the forced removal and incarceration of more than 122,000 Japanese Americans on the West Coast.<sup>9</sup> Many were unable to recover their farms and property afterwards.
- Exploitative working and living conditions for farmworkers. In 1942 (the same year as Executive Order 9066 mentioned above), the Bracero Program, which brought people from Mexico to work as farmworkers the U.S., established the state's continued reliance on migrant labor. Workers were sprayed with DDT at the border, denied wages, and treated as disposable.<sup>10</sup> A more recent 2022 UC Merced survey outlines how farmworkers in California continue to face a range of exploitative conditions from employer wage theft to food insecurity.<sup>11</sup> Women farmworkers often face additional risks, including higher rates of pesticide poisoning.<sup>12</sup>

As a result of these and other state and federal policies, the wealth of the U.S., including that of its agriculture industry, has been built on stolen land and the forced labor of California

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<sup>5</sup> California Task Force to Study and Develop Reparation Proposals for African Americans Final Report. 2023. pp. 484–5. <https://oag.ca.gov/system/files/media/full-ca-reparations.pdf>

<sup>6</sup> Dean, Terrance. Expert Witness Testimony to the California Reparations Task Force Meeting – October 2021, 2022. Available at <https://oag.ca.gov/ab3121/meetings/102021>.

<sup>7</sup> Fuller, Vernon. “The Supply of Agricultural Labor as a Factor in the Evolution of Farm Organization in CA.” US Congress. Committee on Education and Labor. Violations of Free Speech and Rights of Labor, hearings, 76th Congress, 3rd session (74th Congress), Exhibit 8762–A, January 1940.

<sup>8</sup> Minkoff–Zern, L–A, Peluso, N, Sowerwine, J, Getz, C. 2011. Race and regulation: Asian immigrants in California agriculture, in Alkon, AH, Agyeman, J eds., Cultivating food justice: Race, class, and sustainability. Boston, MA: The MIT Press. DOI: <http://dx.doi.org/10.7551/mitpress/8922.001.0001>

<sup>9</sup> Incarceration of Japanese Americans – Rosie the Riveter WWII Home Front National Historical Park, U.S. National Park Service, <https://www.nps.gov/rori/learn/historyculture/incarceration-of-japanese-americans.htm>

<sup>10</sup> Mitchell, D. 2010. Battle/fields: Braceros, agribusiness, and the violent reproduction of the California agricultural landscape during World War II. Journal of Historical Geography 36(2): 143–156. DOI: <http://dx.doi.org/10.1016/j.jhg.2010.01.003>

<sup>11</sup> Brown, Paul, Edward Flores, and Ana Padilla. 2022. Farmworker Health in California. University of California, Merced. [https://clc.ucmerced.edu/sites/clc.ucmerced.edu/files/page/documents/fwhs\\_report\\_2.2.2383.pdf](https://clc.ucmerced.edu/sites/clc.ucmerced.edu/files/page/documents/fwhs_report_2.2.2383.pdf).

<sup>12</sup> Ibid, 37. It is important to note that while this report focuses on the role of land ownership and secure tenure in alleviating inequities in the agricultural sector, it is also necessary to address the ongoing exploitation of farmworkers by farm owners.

Tribal Nations, enslaved African Americans, and other exploited communities, who have been systematically excluded from land ownership and wealth-building opportunities.<sup>13</sup> While individual households and communities navigated discriminatory policies in different ways, recent research points to billions of dollars lost in wealth for Tribal Nations and Black communities due to government-enacted dispossession.<sup>14</sup>

These inherited disparities in land access and wealth, combined with historically unjust lending practices and limited access to support services, have produced contemporary inequities in resource distribution that are visible in land ownership patterns.<sup>15</sup> According to the 2022 USDA Census of Agriculture, 82% of privately held farmland in California is owned by producers who identify as White, while 83% of those who perform the majority of farm labor identify as Latino.<sup>16</sup>

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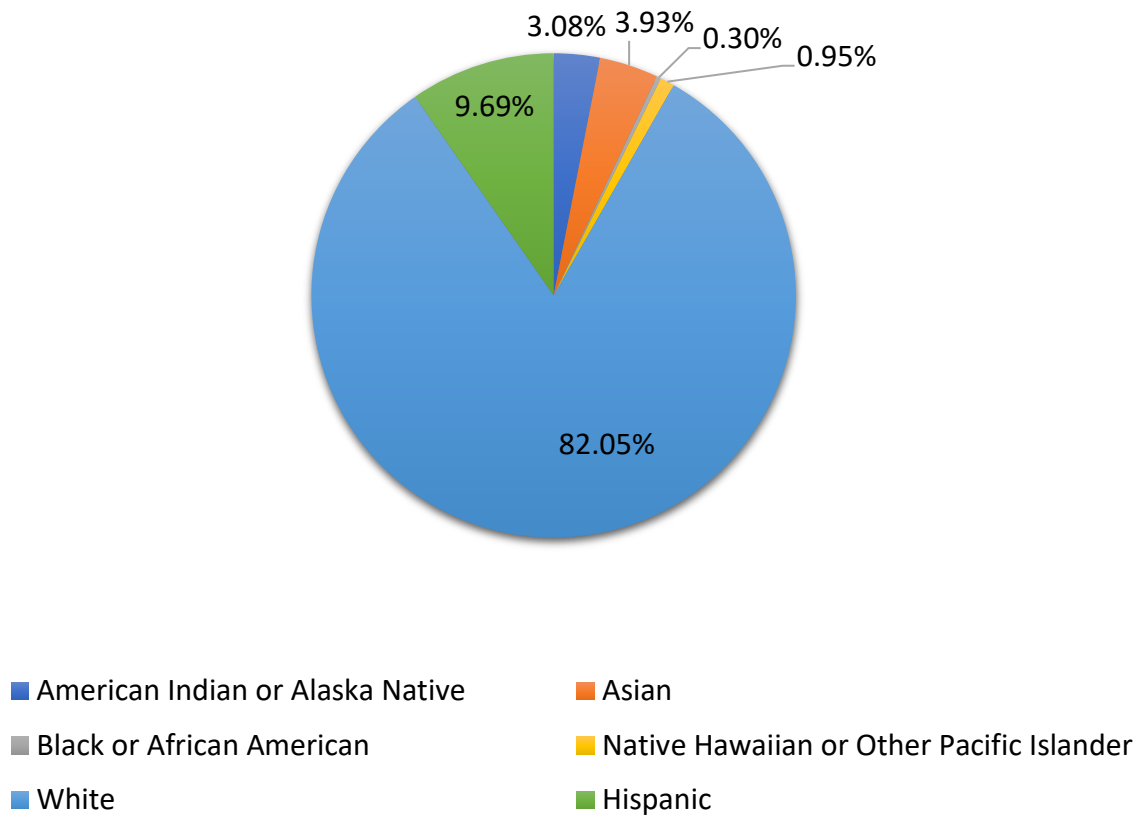
<sup>13</sup> Trotter, *Workers on Arrival: Black Labor and the Making of America* (2019) pp. xvi, xx-xxi; The California Reparations Report, 2023. Task Force to Study and Develop Reparation Proposals for African Americans. <https://oag.ca.gov/ab3121/report>;

<sup>14</sup> Farrell, J, Burow, PB, McConnell, K, Bayham, J, Whyte, K, Koss, G. 2021. Effects of land dispossession and forced migration on indigenous peoples in North America. *Science* 374(6567). DOI: <http://dx.doi.org/10.1126/science.abe4943>; Reznickova, A. 2023. Lost inheritance: Black farmers face an uncertain future without heirs' property reforms. Cambridge, MA: Union of Concerned Scientists. DOI: <http://dx.doi.org/10.47923/2023.15127>.

<sup>15</sup> Horst, M, McClintock, N, Baysse-Lainé, A, Darly, S, Paddeu, F, Perrin, C, Reynolds, K, Soulard, C-T. 2021. Translating land justice through comparison: A US-French dialogue and research agenda. *Agriculture and Human Values* 38(4): 865-880. DOI: <http://dx.doi.org/10.1007/s10460-021-10202-4>.

<sup>16</sup> American Farmland Trust <https://farmland.org/project/farms-for-a-new-generation-in-california/>

## Percent of Total Acres of Owned Land in Farms in CA by Producer Demographic (2022)



Alongside race and ethnicity, gender also significantly impacts agricultural land access and tenure. Among other challenges, “exclusion from networks, difficulty accessing credit, and the tendency of the retiring generation to choose male heirs” have created additional barriers for women producers and land stewards.<sup>17</sup> These disparities are even greater for women who identify as Black, Indigenous, and other Women of Color.

Inadequate access to land is the primary barrier for producers and land stewards who are part of marginalized social groups.<sup>18</sup> This is a significant portion of California’s agricultural community. According to the 2022 USDA Census of Agriculture, in California, approximately

<sup>17</sup> Joseph, C., G. Roesch-McNally, and A. Looser. 2024. The State of Gender Equity in U.S. Agriculture.” American Farmland Trust, p. 17. <https://farmlandinfo.org/wp-content/uploads/sites/2/2023/12/AFT-gender-equity-report.pdf>

<sup>18</sup> Ackoff, S, Flom, E, García Polanco, V, Howard, D, Manly, J, Mueller, C, Rippon-Butler, H, Wyatt, L. 2022. Building a future with farmers 2022: Results and recommendations from the National Young Farmer Survey. Albany, NY: National Young Farmers Coalition.

20%, or one in five agricultural producers and land stewards, are considered socially disadvantaged farmers and ranchers.<sup>19</sup>

This group overlaps significantly with that of small-scale operators, who make up the majority of California's producers and land stewards: according to the 2022 USDA census, 62% of California's producers operate on 50 acres or less.<sup>20</sup> On the other end of the landholding spectrum, as of 2017, the largest 5% of properties in California accounted for 50% of cropland, meaning just 5% of landowners collectively own half of the total farmland in the state.<sup>21</sup>

Farm size in relation to percent of total acres and total owners in CA (2017) <sup>22</sup>		
Size in acres	Percent of total acres	Percent of total owners
>1,000	50%	4.63%
250–500	16.5%	5.7%
100–250	16.8%	12.9%
50–100	7.9%	13.3%
<50	9.9%	63.5%

The rate of consolidation is increasing; between 2017 and 2022, "farms with less than 180 acres fell nearly 13 percent...while California's largest farms—those over 1,000 acres or with more than \$500,000 in sales—increased."<sup>23</sup>

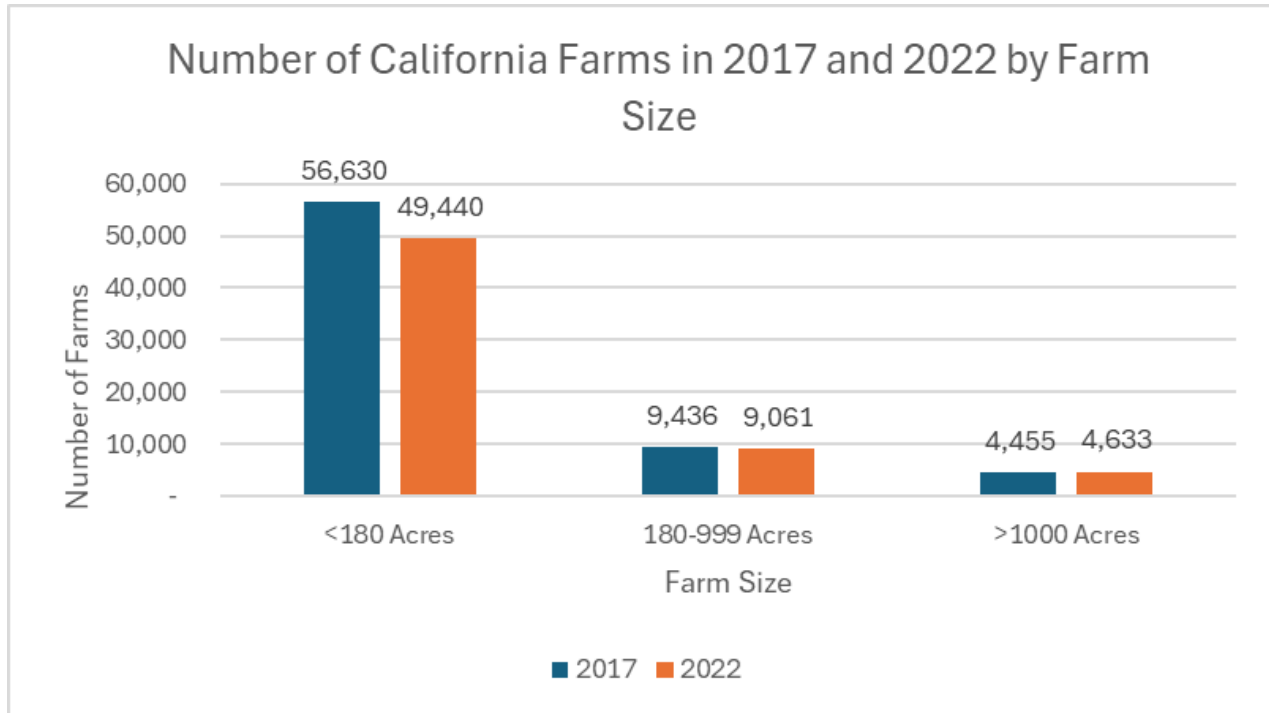
<sup>19</sup> 2022 Census of Agriculture – State Data USDA, National Agricultural Statistics Service. [https://www.nass.usda.gov/Publications/AgCensus/2022/Full\\_Report/Volume\\_1\\_Chapter\\_1\\_State\\_Level/California/st06\\_1\\_052\\_052.pdf](https://www.nass.usda.gov/Publications/AgCensus/2022/Full_Report/Volume_1_Chapter_1_State_Level/California/st06_1_052_052.pdf)

<sup>20</sup> 2022 Census of Agriculture – State Data USDA, National Agricultural Statistics Service. Table 71. Summary by Size of Farm: 2022.

<sup>21</sup> Macaulay, L, Butsic, V. 2017. Ownership characteristics and crop selection in California cropland. *California Agriculture* 71(4): 221–230.

<sup>22</sup> Macaulay, L, Butsic, V. 2017. Ownership characteristics and crop selection in California cropland. *California Agriculture* 71(4): 221–230.

<sup>23</sup> O'Connor, Theresa. 2024. "What the 2022 Census of Agriculture Confirms about California." American Farmland Trust. <https://farmland.org/2022-census-of-agriculture-california/>



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As these numbers suggest, California's farmland is increasingly controlled by a few large landowners. This is in part due to an increase in land owned by institutional investors. Following the financial crisis of 2007–08, speculative investments in agricultural land have risen substantially across the U.S., accounting for approximately 25% of all sales.<sup>25</sup> In California, between 2011–17, limited liability companies bought 5.7 times as many acres of farmland across the state (192 acres, on average) compared to individual buyers (34 acres, on average).<sup>26</sup>

<sup>24</sup> 2017 Census of Agriculture – State Data USDA, National Agricultural Statistics Service. [https://data.nass.usda.gov/Publications/AgCensus/2017/Full\\_Report/Volume\\_1,\\_Chapter\\_1\\_State\\_Level/California/cav1.pdf](https://data.nass.usda.gov/Publications/AgCensus/2017/Full_Report/Volume_1,_Chapter_1_State_Level/California/cav1.pdf); 2022 Census of Agriculture – State Data USDA, National Agricultural Statistics Service.

[https://www.nass.usda.gov/Publications/AgCensus/2022/Full\\_Report/Volume\\_1,\\_Chapter\\_1\\_State\\_Level/California/st06\\_1\\_052\\_052.pdf](https://www.nass.usda.gov/Publications/AgCensus/2022/Full_Report/Volume_1,_Chapter_1_State_Level/California/st06_1_052_052.pdf)

<sup>25</sup> Holt-Giménez, E. 2017. Agrarian questions and the struggle for land justice in the United States, in Holt-Giménez, E, Williams, JM eds., *Land justice: Re-imagining land, food, and the commons in the United States*. Oakland, CA: Food First Books/Institute for Food and Development Policy: 1–14; see also Fairbairn, M. 2020. *Fields of gold: Financing the global land rush*. Ithaca, NY: Cornell University Press.

<sup>26</sup> Rempel, J.L., et al. 2024. Access for sale? Overlying rights, land transactions, and groundwater in California. <https://iopscience.iop.org/article/10.1088/1748-9326/ad0f71/pdf>

These investments are related to the higher cost of agricultural land in California. Since 2018, the value of farm real estate in California has increased by 28.3%.<sup>27</sup> According to the latest USDA Census of Agriculture, prices reached a high of an average of \$12,000 per acre in 2022, which was a 10.1% increase from the previous year.<sup>28</sup> For the 62% of California farms operating on 50 acres or less, prices can be even higher for smaller parcels, particularly when located near urban areas.

Without a clear strategy to ensure fair and just access to agricultural land in California, these patterns threaten to worsen existing disparities in land ownership and secure tenure, resulting in a less economically resilient and ecologically and culturally diverse agricultural sector in the state.

## Benefits of Agricultural Land Equity for all Californians

Ensuring fair opportunities for agricultural land access and secure tenure has collective benefits and is foundational to achieving the state's economic and environmental goals.<sup>29</sup>

### Supporting local businesses and food economies

Agriculture is a cornerstone of California's economy. The California Jobs First State Economic Blueprint calls for strengthening agricultural production in nine of California's 13 regions.<sup>30</sup> Fair and secure access to land is critical to achieving this goal, and various strategies outlined in this report focus on supporting local economies.

Secure land access is foundational for farm business success and necessary for the long-term economic viability of rural communities. Equitable access to land plays a crucial role in promoting and supporting small-scale operations across the state and the nation. This support is critical to ensuring thriving local economies and healthy communities. Smaller operations are more likely to engage in local food networks and cultivate products that are rooted in the regions that they serve, meaning that when diverse producers have secure access to land, local communities—urban, peri-urban, and rural—are more likely to have

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<sup>27</sup> United States Department of Agriculture. 2022. Land values summary 2022. [https://www.nass.usda.gov/Publications/Todays\\_Reports/reports/land0822.pdf](https://www.nass.usda.gov/Publications/Todays_Reports/reports/land0822.pdf)

<sup>28</sup> United States Department of Agriculture. 2022. Land values summary 2022. [https://www.nass.usda.gov/Publications/Todays\\_Reports/reports/land0822.pdf](https://www.nass.usda.gov/Publications/Todays_Reports/reports/land0822.pdf)

<sup>29</sup> Vang Rasmussen, Laura, et al. 2024. "Joint environmental and social benefits from diversified agriculture." *Science*, 384, 87–93. DOI: 10.1126/science.adj1914.

<sup>30</sup> California Jobs First. State Economic Blueprint. February 2025. <https://jobsfirst.ca.gov/wp-content/uploads/Economic-Blueprint.pdf>



access to healthy, fresh, and culturally valuable foods and medicines.<sup>31</sup> Secure and stable access to land is therefore a critical component of achieving health equity.<sup>32</sup>

Another focus of this report is the critical need to provide opportunities for land access for California farmworkers and others who aspire to transition to business ownership. Stable access to land was identified as a primary barrier for aspiring farmers who responded to the Land Access Experiences Survey as well as those who participated in community engagement sessions. As one aspiring farmer put it, “we invest in rented land and then have to leave it behind when the land is sold or the lease expires. We have no security.” Many respondents mentioned the need for support with finding and obtaining land paired with business guidance and financial opportunities such as loans.

## Protecting and sustaining healthy and resilient working lands

Key to achieving both agricultural land equity and the state’s climate and environmental protection goals is the conservation of California’s agricultural land. Conserving agricultural land prevents its conversion to other uses—like residential development, a more carbon intensive land use.<sup>33</sup> Agricultural land conservation has also been identified as a key strategy for achieving California’s goals of conserving 30% of its land by 2030, enhancing biodiversity, and achieving carbon neutrality by 2045.<sup>34</sup>

Beyond conservation, ensuring that diverse producers and land stewards have secure and stable access to the land they cultivate is key to achieving long-term ecological benefits, environmental protection, and carbon sequestration.

Efforts to advance agricultural land equity promote resilient working lands in several ways.

First, returning ancestral lands puts the land back into relationship with those who have stewarded it since time immemorial. Due to their deep place-based knowledge and strong stewardship traditions, Tribal Nations in California have consistently demonstrated the ability to manage land in ways that yield significantly greater biodiversity and better ecological outcomes compared to non-tribal management.<sup>35</sup> For example, California Tribal Nations’ use of cultural fire is a critical land management practice that not only helps

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<sup>31</sup> Congressional Research Service. The Role of Local and Regional Food Systems in U.S. Farm Policy. February 2016. [R44390.4.pdf](https://www.crs.org/congress/legislation/114/43904.pdf) <https://plantingseedsblog.cdfa.ca.gov/wordpress/?p=10952>

<sup>32</sup> Wiler, A., C. Hergesheimer, B. Brisbois, H. Wittman, A. Yassi, and J. M. Spiegel. 2015. Food Sovereignty, food security and health equity: a meta-narrative mapping exercise. *Health Policy and Planning*, 30(8), pp. 1079–1092, <https://doi.org/10.1093/heapol/czu109>.

<sup>33</sup> Nature-Based Climate Solutions. Natural and Working Lands Climate Smart Strategy. [https://resources.ca.gov/-/media/CNRA-Website/Files/Initiatives/Expanding-Nature-Based-Solutions/CNRA-Report-2022---Final\\_Accessible.pdf](https://resources.ca.gov/-/media/CNRA-Website/Files/Initiatives/Expanding-Nature-Based-Solutions/CNRA-Report-2022---Final_Accessible.pdf)

<sup>34</sup> [30x30 California](#)

<sup>35</sup> Middleton-Manning, Beth Rose. 2011. *Trust in the Land: New Directions in Tribal Conservation*. Tucson: University of Arizona Press.



prevent disastrous wildfires but also improves the health and biodiversity of the state's ecosystems.

Second, placing agricultural land in the hands of producers and land stewards who live and work in the region can limit the buy-up of agricultural land by institutional investors and the potential mismanagement of land and resources held by investment firms.<sup>36</sup>

Third, supporting smaller farms that tend to adopt practices that promote biodiversity, such as using more diverse cropping patterns can benefit farms and society more broadly by producing higher yields over time, generating greater resilience to floods, droughts, and diseases, and improving soil health. Further, these practices provide habitat to pollinators and other wildlife, improving pollination and supporting natural pest management.<sup>37</sup> These practices are also conducive to reducing pesticide and fertilizer use which has environmental benefits and creates safer working and living conditions for employees and agricultural communities at large.

Finally, by establishing structures for sovereignty and secure land tenure, agricultural land equity creates pathways for producers and land stewards to care for land in culturally and ecologically meaningful ways. This ranges from grazing to reduce fuel loads to building healthy soils on croplands. Keeping viable land in production can also lead to multiple benefits, from sequestering carbon to reducing dust and associated air quality and public health concerns like valley fever.

Effective stewardship requires long-term investments; secure tenure is necessary for producers and land stewards to devote the time and money required to cultivate healthy ecosystems and access associated state programs, such as the Healthy Soils Program. In sum, secure land tenure is critical to ensuring that the state meets its environmental goals, from conserving land to achieving carbon neutrality.

## Recommendations for Equitable Land Access

The recommendations that follow are divided into four overarching goals:

1. Tribal stewardship and land return

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<sup>36</sup> Fairbairn, Madeleine. 2020. *Fields of Gold: Financing the Global Land Rush*. Ithaca: Cornell University Press.

<sup>37</sup>Farms + Data: California's farms are smaller than the US average, but they're big on diversity – and productivity – CDFA's Planting Seeds BlogCDFA's Planting Seeds Blog; Riccardi, V., Z. Meharbi, H. Wittman, D. James and N. Ramankutty. 2021. Higher yields and more biodiversity on smaller farms. *Nature Sustainability* 4: 651–657. <https://doi.org/10.1038/s41893-021-00699-2>; Esquivel, K. E., L. Carlisle, A. Ke, E. M. Olimpi, P. Baur, J. Ory, H. Waterhouse, A. Iles, D. S. Karp, C. Kremen and T. M. Bowles. 2021. The “sweet spot” in the middle: Why do mid-scale farms adopt diversification practices at higher rates? *Frontiers in Sustainable Food Systems* 5. <https://doi.org/10.3389/fsufs.2021.734088>; Rasmussen, L. V., et al. 2024. Joint environmental and social benefits from diversified agriculture. *Science* 384(6691): 87–93. <https://doi.org/10.1126/science.adj1914>

2. Protected and thriving agricultural lands
3. Equitable land transition and acquisition
4. Secure land tenure

Each section begins by providing context and justification for the goal, followed by specific strategies and actions to advance the goal. Several strategies reference supplemental information in the appendix to provide additional detail and context.

The California Agricultural Land Equity Task Force was established to equitably increase access to agricultural land for food production and traditional Tribal agricultural uses. As such, all recommendations included in this report are intended to serve and support priority producers and land stewards, which refers to those who have been historically and systematically excluded from land ownership and secure tenure.

# 1. Tribal Stewardship and Land Return

California Tribal Nations have specific histories and relationships to the State of California, resulting in a unique set of challenges and opportunities for advancing agricultural land equity. To address this, Goal 1 focuses on the specific needs of California Tribal Nations; however, Goals 2 through 4 are also relevant for Tribal Nations, who should be explicitly included in any action to advance fair access for priority producers and land stewards.

Throughout this report, the term California Tribal Nations is used in reference to both federally recognized and non-federally recognized California Native American Tribes. This term was selected to denote the inherent sovereignty of Native communities and their relations of care since time immemorial with the land that is now called California.

However, there are important legal distinctions between federally recognized and non-federally recognized Tribal Nations that impact barriers to land access and strategies to overcome them. These differences are noted where relevant.

The State of California was founded on [Case study](#) the violent removal, coercion, murder, intimidation, and attempted extermination of California Native Americans. Governor Newsom's apology, issued in 2019 (Executive Order N-15-19), recognizes that the State of California "sanctioned over a century of depredations and prejudicial policies against California Native Americans." This order, along with institutional commitments such as the Truth and Healing Council, are the early steps of a much longer and broader process to address historical injustices that persist today.

One such injustice was the active exclusion and prohibition of Traditional Ecological Knowledge and stewardship practices, to the detriment of cultural, societal, and ecological health. The work of the Task Force and this report considers the meaning of "agriculture" to include living in relation with the land, water, air, and life in all forms. These relationships of care are the foundation for many culturally and regionally diverse First Foods, fibers, and medicines, from acorns and elderberries to sedge basket material, that play a critical role in California's ecosystem overall.

Today, many Tribal Nations have little to no access to their ancestral lands. Those who do maintain access often have small or non-contiguous parcels. This often limits or removes access to essential ecosystems and cultural and spiritual practices, as in the case of Tribal Nations whose recognized lands are inland but for whom coastal lands are core to their cultural knowledge, practice, and belonging.

[ADD: Description of the history of the statehood of California and how state and federal government fail to honor inherent sovereignty and rights; acreage lost by Tribes at the hands of the Spanish, Mexican and U.S. governments; acreage lost to state, county, and city governments.]

One historical injustice that continues to impact Tribal Nations today is the loss of Tribal land through allotment. The General Allotment Act (Dawes Act), passed by Congress in 1887, authorized the division of Tribal land into allotments for private ownership by Tribal individuals and families. Often, the most productive land was deemed “excess” and could be sold to non-Tribal individuals.<sup>38</sup>

Overall, allotment in the United States resulted in the loss of 90 million acres of Tribal land, and numerous other challenges persist today as a result of allotment, including checkerboard-like ownership of land, lost access to sacred sites, fractionation through transfer to multiple heirs, and lack of access to land that is “landlocked,” meaning surrounded by privately held land.<sup>39</sup>

There are 110 federally recognized Tribal Nations in California and more than 55 non-federally recognized Tribal Nations which are partially tracked by the Native American Heritage Commission (NAHC). Federally recognized Tribal Nations in California currently hold 635,739 acres, less than 1% of the state, in reservation lands.<sup>40</sup> An additional approximately 12,635 total acres of land have been returned to Native American Tribes in California since 1995.<sup>41</sup> In 2024, the California Natural Resources Agency’s (CNRA) Tribal Nature Based Solutions Program awarded grants to 33 Tribal Nations to support the return of roughly 38,950 acres of land.<sup>42</sup> While this work is a valuable step in the right direction, many California Tribal Nations are landless or on very small parcels.<sup>43</sup>

These persistent land access challenges arising from intentional exclusion and land theft since the colonization of California by Europeans require a cohesive response from the State. The recommendations that follow are intended to complement CNRA’s Tribal Stewardship Strategy and the Truth and Healing Council’s Report and further the commitments in Governor Newsom’s Statement of Administration Policy on Native American Ancestral Lands.<sup>44</sup>

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<sup>38</sup> Indian Land Tenure Foundation. <https://iltf.org/land-issues/history/>

<sup>39</sup> Indian Land Tenure Foundation. <https://iltf.org/land-issues/history/>

<sup>40</sup> Plachta, Ari. 2022. Gavin Newsom said he would give land back to Native Americans in California. Has he? [www.sacbee.com/news/politics-government/article264454331.html#storylink=cpy](http://www.sacbee.com/news/politics-government/article264454331.html#storylink=cpy)

<sup>41</sup> <https://www.sacbee.com/news/politics-government/article264454331.html>

<sup>42</sup> <https://resources.ca.gov/Tribal-Nature-Based-Solutions-Program>

<sup>43</sup> Plachta, Ari. 2022. Gavin Newsom said he would give land back to Native Americans in California. Has he? [www.sacbee.com/news/politics-government/article264454331.html#storylink=cpy](http://www.sacbee.com/news/politics-government/article264454331.html#storylink=cpy)

<sup>44</sup> Office of the Governor. 2020. Statement of Administration Policy, Native American Ancestral Lands. <https://www.gov.ca.gov/wp-content/uploads/2020/09/9.25.20-Native-Ancestral-Lands-Policy.pdf>

## 1.1 Return state-owned lands to Tribal Nations without restrictions

- a) Transfer ancestral lands to Tribal Nations free from restrictions and encumbrances.
- b) Establish and fund a Tribal Lands Return Commission comprised of regionally diverse delegates of federally recognized and non-federally recognized California Tribal Nations.
  - i) The Commission will oversee the development and implementation of a new state program designed to purchase and return ancestral lands.
  - ii) The Commission will advise and oversee the creation of a statewide goal for acres of land returned to California Tribal Nations.
  - iii) In collaboration with local and state agencies, the Commission will identify surplus land and establish pathways for land return.
- c) Reduce burdens on Tribal Nations seeking to restore access to their ancestral lands.
  - i) Identify and update current policies and regulations that prohibit direct land transfer, that require the creation of a nonprofit, and/or incur burdensome fees.
  - ii) If collaboration with a third party is required, prioritize partnerships with Tribal-led and Tribal-serving organizations and community-based organizations that practice cultural humility.
- d) Implement a right of first refusal process across all public agencies that provides Tribal Nations the access and opportunity to accept publicly held land at zero or minimal cost.

## 1.2 Expand land access and return opportunities for California Tribal Nations

- a) Increase funding to existing programs that support ancestral land return, acquisition, and co-management projects, such as the California Natural Resources Agency's Tribal Nature Based Solutions program. *Success Story of fee-to-trust conversion*
- b) Offer or fund specialized and unique real estate agent services to reduce the burden and up-front costs of land return for Tribal Nations.
- c) Provide financial and technical assistance and legal aid to federally recognized Tribal Nations working to convert fee land to trust land. Exempt Tribal Nations from property taxes in the interim.
- d) Incentivize land trusts and private individuals to transfer land to Tribal Nations. See recommendations on land trusts and tax incentives in Goal 2 for specific pathways to achieve this objective.
- e) Coordinate with federal agencies to support the return of federally owned lands to Tribal Nations.

- f) To assist with expediency and reduce costs associated with land return, require a public entity to serve as a temporary intermediary to purchase and hold land until it can be returned to Tribal Nations in accordance with specific processes and timelines.
- g) Resolve access challenges that resulted from the allotment of Tribal lands by providing funding for the following:
  - i) Developing access roads and rights of way to landlocked parcels, and
  - ii) Resolving fractionated ownership on lands owned by Tribal Nations.
- h) Update the California Surplus Land Act to
  - i) Add Tribal uses to the existing list of approved uses of excess land, including affordable housing, recreation, open space, and schools;
  - ii) Ensure Tribal Nations are included in the government-to-government land transfer exemption, including those from the NAHC list, as it relates to Government code section 54221 (f)(1)(D). When a local government transfers land to a Tribal Nation on the NAHC list by establishing a co-management agreement and/or Land Back agreement, this transfer should be exempt from the Surplus Land Act.

### **1.3 Enable and promote the implementation of Traditional Ecological Knowledge and cultural practices**

- a) Encourage and remove barriers to Tribal Nations' use of Traditional Ecological Knowledge, including cultural fire.
  - i) Through funding and policy mechanisms, support place-based Tribal stewardship practices that cultivate a wide variety of First Foods, fibers, medicines, and cultural resources.
  - ii) Fund efforts to share and advance Traditional Ecological Knowledge in culturally meaningful ways.
- b) In state programs and policies, define agriculture in a way that is inclusive of Traditional Ecological Knowledge and allow flexibility for diverse Tribal stewardship practices.
  - i) Revise existing guidelines that are misaligned with Tribal stewardship, such as the requirement that buffalo be kept in an enclosure.
- c) Guide and incentivize local governments to implement zoning ordinances that enable Tribal stewardship.
  - i) Direct the Governor's Office of Land Use and Climate Innovation to work with Tribal Nations to develop model zoning ordinances that address the specific needs of non-federally recognized and federally recognized Tribal Nations. Include mechanisms to support stewardship on Tribal land, including traditional Tribal housing.
  - ii) Provide guidance on establishing Cultural Conservation Zoning Overlays, like Cultural Conservation Easements, to give non-federally recognized Tribal

Nations land use authority over returned lands (see Appendix XX for model language).

- iii) Incentivize local governments to adopt these ordinances and modify their zoning codes to allow for traditional Tribal uses and cultural land management.
- d) Protect Native sites and practices by enforcing existing laws such as the California Native American Graves Protection and Repatriation Act (CalNAGPRA)

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## 2. Protected and thriving agricultural lands

To ensure the long-term viability of California agriculture, the state's invaluable working lands, especially its prime agricultural soils, must be protected and managed effectively. These efforts should be designed and implemented to reap ecological and social benefits by expanding land access opportunities for priority producers and land stewards.

California's agricultural land base is under threat. According to the Department of Conservation, California's farm and grazing lands decreased by more than 1.6 million acres between 1984 and 2018. This loss averages just over 47,000 acres per year, or about one square mile every five days.<sup>45</sup>

Urban development accounts for the vast majority of this loss—more than 1.2 million acres over the 1984–2018 timeframe.<sup>46</sup> Based on existing trends, American Farmland Trust predicts that California will “pave over, fragment, or compromise 797,400 [additional] acres of agricultural land by 2040.”<sup>47</sup>

California will also lose farmland as lands are fallowed or repurposed to reduce demand for pumping groundwater in critically overdrafted basins, as required by the Sustainable Groundwater Management Act (SGMA). Estimates vary on how much land will need to be taken out of production; for example, in the San Joaquin Valley, recent estimates range from around 500,000 acres<sup>48</sup> to 1 million acres.<sup>49</sup>

These losses of agricultural land have been called a crisis that is restricting the available land base for priority producers and land stewards and making agricultural land harder to find and more expensive. Another significant impact is the loss of one of California's most valuable and unique resources: soil. Once lost, healthy soil can take centuries, if not millennia, to rebuild. Yet the highest quality agricultural soil in the state, known as Prime Farmland in the Department of Conservation's Farmland Mapping and Monitoring Program, has seen the largest decrease in acreage, with just over 816,000 acres lost between 1984 and 2018.<sup>50</sup>

Protecting California's agricultural land is already a core part of many of California's broader conservation goals, including but not limited to the 30x30 initiative<sup>51</sup>, the Nature-Based Solutions Natural and Working Lands Climate Smart Strategy<sup>52</sup>, achieving carbon neutrality

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<sup>45</sup> California Department of Conservation. N.d. “Fast Facts.”

<sup>46</sup> California Department of Conservation. N.d. “Fast Facts.”

<sup>47</sup> O'Connor, T. 2024. What the 2022 Census of Agriculture Confirms about California. American Farmland Trust. <https://farmland.org/blog/2022-census-of-agriculture-california/>

<sup>48</sup> Hanak et al. 2019

<sup>49</sup> Sunding and Roland-Holst 2020

<sup>50</sup> California Department of Conservation. N.d. “Fast Facts.”

<sup>51</sup> 30x30 California. N.d. “What is 30x30?”

<sup>52</sup> [https://resources.ca.gov/-/media/CNRA-Website/Files/Initiatives/Expanding-Nature-Based-Solutions/CNRA-Report-2022---Final\\_Accessible.pdf](https://resources.ca.gov/-/media/CNRA-Website/Files/Initiatives/Expanding-Nature-Based-Solutions/CNRA-Report-2022---Final_Accessible.pdf)



by 2045<sup>53</sup>, and biodiversity protection<sup>54</sup>. In addition to these State-led projects, local governments must play a critical role in preserving agricultural land and reducing barriers to running a viable agricultural operation in urban and rural areas alike.

In order to protect California's Prime Farmland and Farmland of Statewide Importance, the Legislature should move to safeguard them in the public domain. The use of public resources should bring about long-term public benefits, but expending resources (such as grants or down payment assistance) to private individuals who wish to farm does not ensure this. The retirement plans of these individuals will likely require them to replicate the crisis of affordability for the next generation of farmers. This is especially true as investment firms are paying handsome prices for agricultural land. Expending resources on private individuals results in land wealth to once again be siphoned by private individuals, even if those individuals have historically faced systemic barriers to access. This also risks further consolidation of financial ownership of land. In order to avoid continuously having to offer a task force intervention as resources are continuously privatized, removing Prime Farmland and Farmland of Statewide Importance from the market would halt the problem at the root.

Four percent of California's cropland is already owned by local, state, federal or another form of non-Tribal government. According to the 2017 USDA Census of Agriculture, roughly 50% of these 300,000 acres are currently fallowed.<sup>55</sup> Of these fallowed lands, those that are agriculturally viable, with stable water access, present a significant land access opportunity for priority producers and land stewards. Additionally, improving the leasing processes on publicly owned lands to focus on access, long-term stability, and reducing barriers in collaboration with farmer service providers and land stewards can ensure accessible and secure land tenure.

## 2.1 Establish a statewide Agricultural Land Mitigation program

- a) Require parties converting agricultural land to other uses to mitigate the loss by protecting agricultural land at not less than a one-to-one ratio. Make mitigated land available for food and fiber cultivation.
- b) Create a statewide plan for conserving California's agricultural land, particularly Prime Farmland and Farmland of Statewide Importance, which can guide the mitigated land required above.

## 2.2 Develop and fund land steward-focused conservation tools

- a) Establish a new fund for eligible entities, like resource conservation districts, land trusts, non-profits, to purchase and then lease or sell agricultural land to priority

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<sup>53</sup> <https://archive.gov.ca.gov/archive/gov39/wp-content/uploads/2018/09/9.10.18-Executive-Order.pdf>

<sup>54</sup> <https://www.gov.ca.gov/wp-content/uploads/2020/10/10.07.2020-EO-N-82-20-.pdf>

<sup>55</sup>

producers and land stewards. Ensure Tribal Nations are exempt from the requirement to lease or sell the land.

- i) Prioritize community agricultural projects that facilitate long-term stewardship and tenure of the land by priority producers and land stewards.
  - ii) Encourage conservation tools such buy-protect-sell+ programs that conserve agricultural land while prioritizing equitable and affordable land access. Require that the properties are sold or leased to priority producers and land stewards and entities that support these communities.
- b) Establish alternative, long-term wealth-building programs to alleviate restrictions on wealth building that provide a financial disincentive for land conservation.
- c) In new and existing programs, prioritize funding for applicants that:
  - i) Fund specific activities and costs:
    - 1) The acquisition of agricultural conservation easements and enhancements that facilitate equitable and affordable land access. Examples of easement enhancements include rights of first refusal, residential restrictions, and options to purchase at agricultural value (OPAV).
    - 2) Costs of permitting, deferred maintenance, infrastructure, and other expenses needed to bring a property into a ready state to support a viable farm operation so that those costs are not deferred to receiving land stewards.
    - 3) Transaction costs and legal and technical support for priority producers and land stewards to negotiate and close land transactions, leases, and conservation and agricultural easements with land trusts, public agencies, and private landholders.
    - 4) Technical assistance to support the implementation of sustainable agricultural practices.
  - ii) Meeting the following criteria:
    - 1) Have completed an eligible training program as outlined below.
    - 2) Are community-based.
    - 3) Practice cultural humility.
    - 4) Have demonstrated experience in working with land stewards and priority producers.
- d) Fund the development and implementation of training programs for land trusts, public agencies, appraisers, lenders and other technical assistance providers that will support and teach participants 1) how to develop conservation tools like agricultural and cultural easements, easement enhancements, and equitable leases that directly serve priority producers and land stewards, and 2) cultural humility, especially in relation to working with Tribal Nations.
  - i) Training programs should be developed and implemented in partnership with Tribal Nations, diverse producers, and community-serving organizations.

- ii) Provide funding for land trusts and technical assistance providers to participate in the trainings.
- e) Allow for land trusts and Community Based Organizations (CBOs) to co-create conservation goals in collaboration with the communities which they are accountable to.
- f) Require California funding agencies to update their grant guidelines, in collaboration with the Department of Conservation (DOC), to allow for traditional Tribal uses and appropriate agricultural uses. Ensure the following:
  - i) Encourage cultural land management and traditional ecological knowledge.
  - ii) Provide flexibility for priority producers and land stewards to respond to changing environmental and market conditions.
  - iii) Allow for building infrastructure that is necessary to maintain farm viability and for land stewards and farmworkers to live on the land, such as housing, irrigation, water storage, and post-harvest handling infrastructure.
  - iv) Update the easement requirements in Chapter 4 (commencing with Section 815) of Title 2 of Part 2 of Division 2 of the Civil Code as needed.

## 2.3 Expand and steward state-owned land base suitable for agriculture

- a) Direct a collaboration of state agencies to identify State-owned Prime Farmland and Farmland of Statewide Importance along with other lands suitable for agriculture, to conserve these valuable resources, and to return them to Tribal Nations or make them available to land stewards.
  - i) California Department of Conservation (DOC), California Department of Forestry and Fire Protection (CALFIRE) and the newly created Tribal Lands Return Commission should lead using existing Department of Conservation maps and other resources.
  - ii) If lands are leased, offer below market rate.
- b) Direct a collaboration of state agencies and technical assistance providers with knowledge in equitable contracts to develop models for secure, long-term access agreements that would allow for cultivation of public lands.
  - i) Ensure fair leasing terms based on the recommendations included in this report.
  - ii) Examine existing public land leases and the administrative barriers that make leasing from public agencies inaccessible and prohibitive
- c) Expand state capacity to hold land and to administer leases and requests for proposals for leasing land for priority producers.
  - i) If the state does not have the capacity to serve as landlord, create a program by which land trusts and other community-based organizations can serve as intermediaries between the state and lessees, ensuring the terms of the lease and the conservation goals are followed.

- d) Create a fund to purchase Right-of-First-Refusals by the state on agricultural land, especially Prime Farmland and Farmland of Statewide Importance, that is at risk of going for sale in the next 10 years.

## **2.4 Incentivize and support local governments to protect and lease viable agricultural land**

- a) Support and incentivize local governments to adopt innovative land use planning strategies to limit development on agricultural land:
  - i) Establish urban growth boundaries.
  - ii) Implement agriculture preservation overlays.
- b) Require agricultural land mitigation banking as part of new developments and make mitigated land available for food and fiber cultivation.
- c) Support and incentivize the inclusion of urban agriculture in access agreements on public lands run by local jurisdictions such as parks, urban lots, etc.
- d) Support and incentivize local governments to make publicly held land accessible to priority producers and land stewards by providing secure, long-term leases at low or no cost through partnerships with community-based organizations.
  - i) Develop these incentives in consultation with local agencies and organizations.

### 3. Equitable Land Transition and Acquisition

Millions of acres of farmland are expected to change hands between owners over the next 15 years.<sup>56</sup> Without a clear vision and plan for ensuring fair opportunities for priority producers and land stewards, it is likely that this land transition will worsen existing inequalities, with powerful landholders further consolidating land ownership.

In California, several factors make it difficult for priority producers and land stewards to access agricultural land. 96% of California farmland is privately owned and largely consolidated among a few large-scale landholders. Land consolidation continues to accelerate,<sup>57</sup> and the cost of farmland increased to an average of \$12,000 per acre in 2022, a 10.1% increase from the year before.<sup>58</sup> On top of the financial barriers, technical and legal knowledge is often required to successfully navigate the process of purchasing or gaining access to farmland.

Priority producers and land stewards face many barriers to accessing existing funding for land acquisition, including but not limited to, discrimination in obtaining agricultural credit; weaker credit histories due to operating smaller, lower-revenue farms; slow processes and limited flexibility related to spending capital; language barriers and a lack of cultural humility in existing grant and loan programs; and a lack of service providers and experts who can effectively serve priority producers and land stewards.

Centuries of discrimination have taken both land and generational wealth from priority producers and land stewards. It is the responsibility of the state to offer a combination of funding options—identified below—and wrap-around support such as technical assistance to rebuild the wealth that was stolen.

#### 3.1 Establish and fund a Land Observatory

- a) The Observatory should monitor agricultural land market trends and manage a public database on agricultural land ownership, lease rates, and demographic trends. The data collected should be analyzed and shared publicly via a biannual report.
- b) The Observatory should be a joint effort between CDFA, DOC, and the Tribal Lands Return Commission (see Goal 1) to ensure cross-agency collaboration on Tribal and agricultural lands.

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<sup>56</sup> Yanhua Xie, Y. M. Hunter, A. Sorensen, T. Nogeire-McRae, R. Murphy, J. P. Suraci, S. Lischka and T. J. Lark. 2023. *Land* 12, 574. <https://doi.org/10.3390/land12030574>

<sup>57</sup> Luke Macaulay and Van Butsic, 2017. Ownership characteristics and crop selection in California cropland <https://californiaagriculture.org/article/108763>

<sup>58</sup> United States Department of Agriculture. 2022. Land values summary 2022. [https://www.nass.usda.gov/Publications/Todays\\_Reports/reports/land0822.pdf](https://www.nass.usda.gov/Publications/Todays_Reports/reports/land0822.pdf)

### 3.2 Develop first opportunity to purchase ordinances

Fund a coalition of local and regional organizations to develop culturally and regionally informed first opportunity to purchase ordinances for adoption by local governments.

- a) The coalition should develop model ordinances through statewide outreach and engagement with Tribal Nations, local governments, and priority producers and land stewards.

### 3.3 Establish new funding programs that are designed to serve priority producers and land stewards

- a) Grants
  - i) Establish and fund through continuous appropriation a new Generational Land Transition Grant Fund to ensure availability of farmland for the next generation of priority producers and land stewards.
    - 1) Fund land acquisition and related costs, such as identifying viable land and legal fees.
    - 2) Allow a third party to hold the land if needed until the recipient is ready for the land transition to occur.
- b) Loans
  - i) Create and fund a low-interest, forgivable, and/or reverse amortization loan program to support priority producers and land stewards with land acquisition.
  - ii) Create a downpayment assistance loan program for first-time buyers to improve access to conventional loans and other available finance.
  - iii) Establish debt forgiveness programs for priority producers and land stewards.
  - iv) Administer loans through state-chartered credit institutions with agricultural knowledge.
- c) Tax law and incentives
  - i) Remove tax barriers to successful agricultural land succession by revising existing tax law to enable and encourage the transition of land during retiring producers' and land stewards' lifetimes.
  - ii) Create an Aggie Bond program—a federal-state partnership that allows private lenders to receive tax-exempt interest on loans made to beginning farmers—to support fair financial institutions in reducing interest rates for priority producers and land stewards.
  - iii) Establish tax benefits designed to support priority producers and land stewards whether or not they own land, e.g., tax relief on student loans, insurance, and infrastructure expenses.
  - iv) Establish a state tax credit for landowners to rent and sell land to priority producers and land stewards.

- 1) Provide additional incentives for selling or leasing at lower-than-market value leases of at least five years in length and leases with purchase options or rights of first refusal.
  - 2) Allow for both the landowner and tenant to receive the same tax benefit for a given plot of land.
- d) Establish a California producer pension fund to allow producers and land stewards to retire without needing to sell their land to the highest bidder.

### 3.4 Continually evaluate and improve funding programs

- a) Create and maintain a centralized, evergreen resource hub that is available in different languages and lists available programs that fund land access and tenure.
- b) Implement recommendations from the California Department of Food and Agriculture's BIPOC and Small-Scale Producer Advisory Committees regarding application, eligibility, reporting requirements, and cost share requirements for conservation and land-based programs such as the State Water Efficiency and Enhancement Program (SWEET), Healthy Soils Program (HSP), California Farmland Conservancy Program (CFCP), etc.
- c) Improve existing grant programs to be responsive to specific communities and needs by:
  - i) Administering funds using block grants.
  - ii) Ensuring eligible activities and grant terms are flexible and include a wide range of needs associated with land stewardship.
  - iii) Funding technical assistance.
  - iv) Removing the requirement for a waiver of sovereign immunity.
- d) Mandate standardized program evaluation metrics and require annual interagency collaboration to review and address findings. Evaluation metrics may include:
  - i) Information about applicants, awardees, and final land stewards, including optional demographic questions.
  - ii) Geography.
  - iii) Acres impacted.
  - iv) Dollars invested.
  - v) Number of land stewards impacted.
  - vi) Length of lease (tenure variables).
- e) Improve existing needs assessment tools such as CalEnviroScreen to account for inefficiencies in census data, especially in agricultural regions, to ensure fair and representative access to funding.<sup>59</sup>

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<sup>59</sup> McGhee, E., S. Bohn, T. Thorman. 2018. The 2020 Census and Political Representation in California. <https://www.ppic.org/publication/the-2020-census-and-political-representation-in-california/>



### 3.5 Support tailored technical assistance and capacity building

- a) Increase grant program access through technical assistance.
  - i) Ensure language access is a core component of all technical assistance and capacity-building programs during both the application and award periods.
  - ii) Advance the statutory obligations established in AB 2377 (Irwin, Agriculture: Cannella Environmental Farming Act of 1995: technical assistance grant program) by establishing a separate, continuous funding source and increasing the amount allocated to CDFA to support technical assistance for all its grant programs.
  - iii) Enact legislation modeled on AB 2377 to require other agencies and departments to fund technical assistance to increase grant program access.
- b) Establish and fund regional cohorts of technical assistance providers focused on land access for priority producers and land stewards in more effective, thorough, and equitable ways.
  - i) Support should be offered in diverse languages and on a regional scale, and include land-linking services, advice on land access and acquisition, and guidance on securing fair purchase and lease agreements.
- c) Provide land-linking services to assist priority producers and land stewards in connecting with existing landowners to support purchase opportunities.
  - i) Improve and maintain land listing portals and add available properties in all regions across the state on an ongoing basis.
  - ii) Offer capacity building for regional land-linking staff to partner with counties and local governments.
  - iii) Support both parties with the development of secure agreements that include a pathway to ownership, including the option and support for seller financing.



## 4. Secure Land Tenure

Agricultural land equity does not stop with land access; rather, it requires stable and secure relationships to land, just governance structures, and suitable conditions for long-term economic viability.

Through engagement with priority producers and land stewards across California, the Task Force identified three key issues that negatively impact their ability to hold onto land: 1) burdensome policies and regulations, 2) zoning codes and permitting processes that undermine agricultural land use and stewardship, and 3) short-term, insecure, or otherwise unfavorable lease agreements for tenants.

Regulatory programs and policies are needed to protect public health, conserve natural resources, and promote fairness. However, programs with a “one size fits all” approach may have unintended consequences and uneven impacts for small-scale farmers with less secure land tenure or limited resources. Several policy areas, in particular, have the potential to perpetuate inequity if unintended consequences are not addressed, including the Sustainable Groundwater Management Act (SGMA), the Irrigated Lands Regulatory Program (ILRP), the Food Safety Modernization Act (FSMA), and local, regional, and state regulations for zoning, labor, and pesticide use.

The combined regulatory burden of multiple new programs, each with their own set of fees, reporting requirements, and time and resources required to achieve compliance, can have a cumulative effect of making entry into farming difficult for beginning farmers and limiting the viability of established farmers.<sup>60</sup> For priority producers and land stewards to remain economically viable in the context of local, state, and federal regulatory programs, it is essential to streamline regulatory requirements, define alternative or tired structures to reduce inequities, and involve priority producers and land stewards in the review of new programs. Technical assistance with regulatory compliance is also a high priority to address lack of fit with requirements originally developed for larger commercial farming operations, language and cultural barriers, and limited resources to achieve compliance across multiple new regulatory programs.

In addition to state-level policies and regulations, local ordinances, code enforcement, and liens are often difficult for priority producers and land stewards to navigate and may limit farming operations. These concerns are especially relevant to efforts to promote land equity in areas that may have zoning, water, nuisance, or other requirements that could apply to farming operations, such as urban or peri-urban areas and on land repurposed from prior uses. For example, farmers have mentioned limitations on the ability to have cold

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<sup>60</sup> Hamilton, Lynn and Michael McCullough. 2025. Two Decades of Change: Evolving Costs of Regulatory Compliance in the Produce Industry. Cal Poly, San Luis Obispo.  
[https://digitalcommons.calpoly.edu/cgi/viewcontent.cgi?params=/context/agb\\_fac/article/1164/&path\\_info=2024\\_Final\\_Report\\_Lettuce\\_Regulatory\\_Costs\\_FINAL.pdf](https://digitalcommons.calpoly.edu/cgi/viewcontent.cgi?params=/context/agb_fac/article/1164/&path_info=2024_Final_Report_Lettuce_Regulatory_Costs_FINAL.pdf)

storage facilities and produce washing stations due to local zoning restrictions. These problems can be exacerbated when agencies are siloed and may not fully be aware of contradictory regulations.

Housing is also a key concern. Many producers and land stewards have difficulty living on or near the land they steward. Local zoning and permitting requirements, along with other governance structures like agricultural conservation easements, can often make it difficult to build adequate housing for producers, land stewards, and farmworkers. To address these challenges, flexibility in housing type is crucial while still ensuring safe and adequate housing and preventing agricultural land from being developed as residential.

These challenges are even harder to overcome for producers and land stewards who lease rather than own the land they cultivate. Many priority producers and land stewards in California operate with no lease agreements, and many others operate on unfavorable leases or on a year-to-year lease, making them less likely to have the time and resources to invest in conservation practices or infrastructure improvements. They are also less likely to qualify for funding and technical assistance programs because of those nonexistent or short-term lease agreements.

Further, under many lease agreements, the tenant is responsible for making improvements or fixing broken infrastructure or equipment, yet the value associated with these improvements accrues to the owner making it even harder for tenants to build enough capital to acquire land. While short-term leases may be desirable in some instances—for example, beginning producers looking for a shorter-term commitment—they can limit opportunities for business development, land improvements, and wealth creation often necessary for land acquisition.

These three factors—policies and regulations<sup>61</sup>, local zoning and permitting requirements, and landlord-tenant relationships—play a critical role in determining whether priority producers and land stewards can maintain viable businesses on land once they have access.

## 4.1 Address inequitable policy consequences while respecting the intention of the law

- a) Mandate interagency review and evaluation prior to implementing new regulations to avoid conflicting guidance and requirements. For instance, ensure that policies aimed at enhancing soil health do not conflict with water regulations.
- b) Define criteria for alternative or tiered reporting and compliance requirements to address systemic inequities in “one size fits all” regulatory programs.

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<sup>61</sup> See Appendix C for context and recommendations on policies and regulations that impact priority producers’ and land stewards’ ability to maintain access to land

- c) Fund technical assistance programs to assist priority producers with regulatory compliance.
- d) Implement the recommendations in the CDFA and CalEPA Regulatory Alignment Study<sup>3</sup> that are relevant to equity for small-scale and limited-resource farmers, particularly the sections on Equity and Efficiency.
- e) Establish a process by which proposed agricultural regulations and policies that may impact priority producers and land stewards are evaluated by the California Department of Food and Agriculture (CDFA) BIPOC Advisory Committee, the CDFA Small Producer Advisory Committee, and any other pertinent public bodies tasked with evaluating the equitable development and implementation of agricultural policies. Ensure that their feedback is provided to regulatory agencies.
- f) Ensure representation of priority producers and land stewards in public decision-making bodies, including existing commissions, water districts, irrigation districts, resource conservation districts (RCDs), groundwater sustainability agencies, local planning bodies, county supervisors, etc.
  - i) Allow tenant farmers to vote in Water Districts.
  - ii) Change the California Public Resource Code Division 9 to enable non-landowners and tenant farmers to join the board of Resource Conservation Districts (RCDs).
- g) Amend and implement the following laws to enable secure land tenure. For more detailed recommendations on these regulatory programs, please see Appendix C.
  - i) Sustainable Groundwater Management Act
    - 1) Develop alternate requirements and structures for groundwater allocations, fees, monitoring, reporting, and other requirements to limit unintended impacts on priority producers and land stewards.
    - 2) Include priority producers and land stewards in well mitigation programs to replace shallow wells that go dry during SGMA implementation.
    - 3) Prohibit groundwater markets or develop a regulatory framework to protect tenant farmers from market power and the sale of farmland for its associated groundwater allocations.
  - ii) Irrigated Lands Regulatory Program (ILRP)
    - 1) Implement the alternate reporting requirements included in the Eastern San Joaquin General Order for all water quality coalitions that include small-scale diversified farms.
    - 2) Develop tiered structures for regulatory fees and fines to better match the scale of operations for priority producers and land stewards.
    - 3) Support water quality coalitions with resources for outreach, technical assistance, and tools to assist priority producers and land stewards with compliance.

- iii) Food Safety Modernization Act (FSMA)
  - 1) Establish an equitable process to schedule on-farm inspections that is accessible to priority producers and land stewards with language barriers and/or limited access to digital communication methods.
  - 2) Identify additional “rarely consumed raw” specialty crops from diverse priority producer communities at the state level for exemption from FSMA inspections.
  - 3) Support the development of culturally appropriate and interactive curriculum meeting Produce Safety Alliance training requirements for FSMA compliance.
- iv) California Labor Policies and Regulations
  - 1) Expand and promote free Occupational Safety and Health Administration (OSHA) consultation services.
  - 2) Revise OSHA fee structures and compliance procedures to be more equitable for priority producers and land stewards, such as a tiered approach.
  - 3) Include equipment and infrastructure required for compliance available through farm equipment lending and sharing programs.
- v) Pest Management Policies and Regulations
  - 1) Support research, technical assistance, and training on agroecological pesticide alternatives appropriately scaled for small and/or diversified farms.
  - 2) Provide training and technical assistance for private applicators to understand and follow pesticide safety regulations.
- vi) Local Zoning Policies and Regulations
  - 1) Establish a program implemented at the county level and administered statewide to assist priority producers and land stewards in navigating regulatory requirements.
  - 2) Create processes and positions to increase inter-agency communication, including at the local and regional levels.
  - 3) Identify opportunities to streamline compliance with local and regional requirements and resources.

## **4.2 Direct, incentivize, and support local governments to adopt zoning and land use planning practices that facilitate secure land tenure and stewardship**

- a) Direct the Governor’s Office of Land Use and Climate Innovation to develop model ordinances that facilitate secure agricultural land tenure and stewardship.
- b) Provide resources to local governments, including the following:

- i) Funding for the development and implementation of local ordinances that achieve the actions listed below.
- ii) Training for Planning and Zoning Commissions on zoning changes to support regenerative agriculture and equitable land access.
- c) Incentivize revisions to zoning codes and local regulations to facilitate the continued viability of small-scale, diverse agricultural operations
  - i) Develop, update and adopt zoning codes to allow for agriculture-related activities, such as retail, infrastructure like cold storage and processing facilities, and housing for priority producers and land stewards, to occur in areas currently zoned exclusively for agriculture.
  - ii) Streamline process and decrease costs related to permitting housing for agricultural workers.
  - iii) Develop agriculture housing permission zoning policies that allow for housing construction for farmworkers and farm owners on the land they steward, including traditional Tribal housing, mobile homes, trailers, modular homes, double-wide homes, tiny homes, RVs, and campers.
  - iv) Remove barriers to infill housing projects to ease development pressure on peri-urban and rural lands.
  - v) While increasing housing on and near agricultural land, maintain protections:
    - 1) Establish a maximum ratio of housing-to-agriculture use to allow flexibility without thwarting agricultural land conservation goals.
    - 2) Ensure local governments maintain inspections and enforce fair leasing to protect tenants, particularly in employer-operated housing.
  - vi) Provide guidance on local implementation of the Williamson Act to ensure that housing for farmers, land stewards and farmworkers, including temporary housing, is permitted.
  - vii) In urban contexts, allow for composting on land zoned for agriculture.

### **4.3 Address power imbalances in landowner-tenant relationships**

- a) Adopt the Agricultural Tenants' Bill of Rights, found in Appendix B, to ensure fair leasing terms and respect for tenants' rights, including decision-making powers.
- b) Develop mechanisms that allow tenants to retain the monetary value associated with improvements made to leased land.
- c) Increase the maximum allowable length of leases in California from 51 to 100 years.
- d) Increase access and funding to legal support and technical assistance providers who assist, at low or no cost to priority producers, with contract and relationship development, mediation, and negotiation services. This includes support for approaches that can address disputes and default without resorting to formal legal procedures

## Appendix A: Glossary of Terms

**Agricultural conservation easement:** As defined by the California Department of Conservation, a voluntary, legally recorded deed restriction that is placed on a specific property used for agricultural production. The goal of an agricultural conservation easement is to maintain agricultural land in active production by removing the development pressures from the land. Such an easement prohibits practices which would damage or interfere with the agricultural use of the land. Because the easement is a restriction on the deed of the property, the easement remains in effect even when the land changes ownership. For a more detailed definition, see the California Sustainable Agricultural Lands Conservation Program Grant Guidelines.

**Agricultural land equity:** All people have secure and affordable access to viable land for the care and cultivation of food, fiber, medicine, and culturally valuable resources without systemic barriers or racial disparities.

**Agricultural land:** Lands that are stewarded to produce resources valuable to the communities engaged in the practices and knowledge of cultivation. This expansive understanding of agricultural land is intended to capture peoples' reciprocal relationships with land and ecosystems that support many others, both human and non-human.

**Agriculture:** The knowledge and practice of caring for and cultivating plants, animals, and ecosystems for food, fiber, medicine, or other resources, including gardening, horticulture, viticulture, dairying, poultry, bee raising, ranching, and Traditional Ecological Knowledge and practices.

**Ancestral land return:** As defined by the California Natural Resources Agency Tribal Stewardship Policy (Draft June 2025), is return or re-acquisition of property or property rights to a California Native American Tribe, including federally recognized Tribes, Tribally owned nonprofit organizations, and Tribally owned land trusts, that encompass either:

- Legally binding and enforceable property or other rights recorded on title of a specific parcel of land. This may include easements, covenants, or fee title ownership.
- Legally binding and enforceable property right to water. This may be recorded on title of a specific parcel of land or be committed to through a contract or other legally binding agreement.
- A specific parcel of land held in trust by the federal government for the benefit of a federally recognized tribe or allottee.
- Specific adjudicated water rights held in trust by the federal government for the benefit of a federally recognized Tribe or allottee.

Due to varying legal authority and requirements on public funding and the Public Trust Doctrine, some property re-acquisition projects pursued with state funding and authority may require deed restrictions, limitations of uses, or public access on the property. CNRA



and its departments will identify opportunities for flexibility and deference to California Native American Tribes, while also upholding the requirements placed on state agencies under California law.

**Beginning farmer or rancher:** As defined by the United States Department of Agriculture (USDA), a beginning Farmer or Rancher is an individual who:

- Has not operated a farm or ranch, or who has operated a farm or ranch for not more than 10 consecutive years, and who
  - Will materially and substantially participate in the operation of the farm or ranch.
  - In the case of a contract with an individual, individually or with the immediate family, material and substantial participation requires that the individual provide substantial day-to-day labor and management of the farm or ranch, consistent with the practices in the county or State where the farm is located.

**California Tribal Nations:** Federally recognized and non-federally recognized California Native American Tribes. This term was selected to denote the inherent sovereignty of Native communities and their relations of care since time immemorial with the land that is now called California.

**Cultural easement or cultural respect easement:** Defined by the Native Land Conservancy as a legal agreement that guarantees Indigenous people cultural access to land in perpetuity. Cultural Respect Easements provide Indigenous people with safe areas to practice their traditional and spiritual lifeways, such as ceremonies, seasonal celebrations, camping, and more.

**Cultural humility:** The self-reflective practice of examining one's own cultural norms and identities while learning about and respecting others' beliefs and ways of life. Cultural humility requires recognizing power dynamics and working to fix imbalances at an individual and institutional level to advance effective collaboration.

**Land access:** The physical and legal ability to be in relationship with the land. May encompass a combination of allowable activities, such as the use of land for food and fiber production, the power to make decisions about allowable uses, the ability to benefit financially, and the right to sell or transfer the land to another person or entity.

**Land acquisition:** Land acquisition refers to obtaining a parcel of land along with the ownership or usage rights and responsibilities of that land.

**Land tenure:** The broad range of relationships that individuals and groups hold with respect to land and related resources, including but not limited to ownership, leasing, and cooperative management. Land tenure is shaped by legal and economic structures as well

as the rules and forms of governance that determine what is allowable and possible on the land, who makes decisions and how they are made, and which goals and outcomes are prioritized with those decisions.

**Limited Resource Farmer or Rancher:** As defined by the USDA, the term “Limited Resource Farmer or Rancher” means a participant:

- With direct or indirect gross farm sales not more than the current indexed value in each of the previous two years, and
- Who has a total household income at or below the national poverty level for a family of four, or less than 50% of county median household income in each of the previous two years.

**Priority producers and land stewards:** Priority producers and land stewards are those have been historically and systematically excluded from land ownership and secure tenure for agriculture and traditional tribal uses.

This group is inclusive of individuals identified in two existing definitions:

1. Socially disadvantaged farmers and ranchers, as defined in the 2017 Farmer Equity Act (AB 1348): A farmer or rancher who is a member of a socially disadvantaged group. “Socially disadvantaged group” means a group whose members have been subjected to racial, ethnic, or gender prejudice because of their identity as members of a group without regard to their individual qualities. These groups include all of the following:
  1. African Americans.
  2. Native Indians.
  3. Alaskan Natives.
  4. Hispanics.
  5. Asian Americans.
  6. Native Hawaiians and Pacific Islanders.
2. An underserved producer, as defined in the Agriculture Improvement Act of 2018 (H.R.2), is “an individual (including a member of an Indian Tribe) that is
  1. a beginning farmer or rancher;
  2. a veteran farmer or rancher; or
  3. a socially disadvantaged farmer or rancher.”

The term “socially disadvantaged farmer or rancher” is defined in S.2830, Food, Agriculture, Conservation, and Trade Act of 1990, as “a farmer or rancher who is a member of a socially disadvantaged group,” meaning “a group whose members have been subjected to racial or ethnic prejudice because of their identity as members of a group without regard to their individual qualities.”

**Socially disadvantaged farmer or rancher:** As defined by the 2017 Farmer Equity Act (AB 1348), a farmer or rancher who is a member of a socially disadvantaged group. “Socially



disadvantaged group” means a group whose members have been subjected to racial, ethnic, or gender prejudice because of their identity as members of a group without regard to their individual qualities. These groups include the following:

4. African Americans.
5. Native Indians.
6. Alaskan Natives.
7. Hispanics.
8. Asian Americans.
9. Native Hawaiians and Pacific Islanders.

**Sovereignty:** The authority and responsibility to govern. Sovereignty, in contrast to the term “autonomy,” is focused on relationships and responsibilities that accompany control over decision-making.

**Stewardship:** Ongoing practices of care and responsibility in a manner that meets the long-term interests of communities, the natural world, and future generations.

**Traditional Ecological Knowledge (TEK):** As described in the California Natural Resources Agency (CNRA) Tribal Stewardship Policy (Draft June 2025), Traditional Ecological Knowledge blends the complexity of hunting and gathering knowledge, study of biology, and keen attention to environmental cues and microclimate variations with active cultural, ceremonial, and management practices to live in close relation to the lands and waters. This knowledge and expertise are uniquely held by each tribe and their cultural practitioners, recognizing the tremendous cultural diversity of California Native American tribes.

**Tribal cultural resources:** Defined in Public Resources Code section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe.

**Tribal stewardship:** As defined in the California Natural Resource Agency Tribal Stewardship Policy (Draft June 2025), tribal stewardship is defined by each individual tribe through tribal constitutions, laws, resolution, programming priorities, cultural practices, ceremonies, or other measures. Tribal stewardship can include actions to care for and manage specific areas of land, landscapes or watersheds, plant and animal communities, and natural resources for cultural and ecological objectives. While tribal stewardship may include tribal trust and fee lands, it does not need to be limited and can include other public and private lands across California.

**Underserved producer:** As defined in the Agriculture Improvement Act of 2018 (H.R.2), “an individual (including a member of an Indian Tribe) that is

1. a beginning farmer or rancher;
2. a veteran farmer or rancher; or
3. a socially disadvantaged farmer or rancher.”

The term “socially disadvantaged farmer or rancher” is defined in S.2830, Food, Agriculture, Conservation, and Trade Act of 1990, as “a farmer or rancher who is a member of a socially disadvantaged group,” meaning “a group whose members have been subjected to racial or ethnic prejudice because of their identity as members of a group without regard to their individual qualities.”

**Veteran Farmer or Rancher:** As defined by the USDA, the term “Veteran Farmer or Rancher” means a producer who

- Served in the United States Army, Navy, Marine Corps, Air Force, or Coast Guard, including the reserve component thereof; was released from service under conditions other than dishonorable; and:
  - Has not operated a farm or ranch, or has operated a farm or ranch for not more than 10 years; or
  - Who first obtained status as a veteran during the most recent 10-year period.

**Viable agricultural land:** Land that can sustain agriculture, as defined in this report, in the long term. This often entails both ecological and economic sustainability and involves a range of resources and structures, from water availability to market access.

## Appendix B: Draft Agricultural Tenant Bill of Rights

Many priority producers and lands stewards in California lease the land they operate, and many other operate on land with no lease agreements. Often, leases are short-term and have unfavorable or exploitative terms. Such agreements, on top of inherent power imbalances in leases and barriers to accessing and understanding lease arrangements, make priority producers and land stewards vulnerable to discrimination and exploitation, particularly non-English speaking producers.

To ensure agricultural leases in California are fair and just, the governor and legislature should mandate that the following list of rights be respected in all agricultural leases.

- Agricultural lease duration for crop production must meet or exceed one year.
- Right to harvest crops in ground or in production at time of termination.
- No crop liens; no Landlord rights to unharvested or harvested crops as a cure for Tenant's default, unless agreed to in writing by both parties.
- Notice requirements for any proposed rent increases, minimum 6 month notice period .
- Caps on agricultural rent increases (rent control for ag land) – Landlords cannot raise rent more than 10% total or 5% plus the percentage change in the cost of living – whichever is lower – over a 12-month period.
- An agricultural tenant's responsibility for payment of any share of or all real property taxes shall be contingent upon a lease term of at least three years, except that Tenant shall be responsible for paying property taxes on any Tenant-funded permanent improvements, and shall be responsible for any difference in property taxes due to a re-assessment of property based on improvements made by Tenant.
- Force Majeure – If any party fails to perform its obligations because of strikes, labor disputes, Acts of God, natural disasters, inability to obtain labor or material, governmental action, fire or other casualty, or other causes beyond the reasonable control of the party obligated to perform, then that party's performance shall be excused for a period equal to the period of such cause for failure to perform as long as the party who fails to perform gives reasonable notice after the event causing the failure.
- Landowner must provide at least 30 days notice of default of lease terms, at least 30 days to remedy and at least 30 days notice of termination before terminating for cause. Termination without cause is not permissible. Default includes:
  - Nonpayment of rent after period specified in lease agreement

- Breach of a material term of the lease
  - Using the property for unlawful purposes
- Survivability of tenure upon sale of property
- Security for “lease to own” agreements
- Tenant is entitled to remaining usable value of any permanent improvements, including permanent crops, invested on leased land at time of termination. Landowner must buy back the remaining usable value of these improvements within 30 days after the expiration or termination of the agreement.
- If tenancy remains undisputed for a period of at least 60 days after expiration of the lease, the lease is considered renewed on an annual basis under the terms of the most recent written contract between the parties.
- Any residential structures on leased agricultural lands are subject to residential tenant rights and rights to livable housing conditions.
- Landowners may not sell or otherwise remove water rights, available water, or access to water expected and necessary for the adequate production of agricultural tenant’s current and future production and use under the Term of the agreement.
  - Inability to farm due to lack of access to water may be cause for early termination of lease agreement without penalty for Tenant; lack of access to water includes cases where lack of water is due to failure of infrastructure owned by landowner and landowner is unable or refuses to repair said infrastructure.
- Dual indemnification
- Discrimination:
  - Landlords are prohibited from discriminating against tenants based on the tenant’s race, national origin, religion, sex, gender, sexual orientation, gender expression, gender identity, ancestry, language, disability status, marital status, familial status, source of income (Section 8 vouchers, for example), veteran status, or certain other characteristics.
- Any landowner seeking the benefit of state conservation programs on land farmed by a tenant who will be the contracting party (operator) must ensure that the lease term aligns with or exceeds the length of the conservation program contract. If permanent improvements will be made under the terms of the contract, the lease term must match the usable life of those improvements.
- Retaliation – Landlords may not retaliate against tenants for exercising their rights. For example, it is against the law for a landlord to try to evict a tenant who has asked

for repairs or pointed out that a rent increase is unlawful, or to take away services or rights that the tenant previously enjoyed, like a storage space or parking.

- “Lockouts” – It is illegal to try to “evict” a tenant by locking them out, shutting off the water or electricity, or removing their personal property. The only lawful way to evict a tenant is to file a case in court and go through the legal process.
- Tenants have a right to receive a written copy of their final lease agreement in their primary/preferred language prior to signature.

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## Appendix C: Context and Recommendations to Address Uneven Impacts of Policies and Regulations

### 1) *Sustainable Groundwater Management Act (SGMA)*

The Sustainable Groundwater Management Act (SGMA) was enacted to address the severe groundwater overdraft, declining aquifer levels, and other undesirable consequences of over-pumping groundwater in California. Under SGMA, local groundwater sustainability agencies (GSAs) are required to achieve sustainable groundwater management by 2040, mainly through increasing groundwater supply and/or decreasing demand for groundwater use. State, local, and regional agencies are considering a range of strategies to bring groundwater basins into sustainability by 2040, such as increasing groundwater recharge, land fallowing or repurposing, and reductions in the amount of groundwater each grower is allowed to pump (groundwater allocations). The effect of SGMA implementation on land equity could be substantial, with access to groundwater now affecting the value and availability of farmland, potential competition for groundwater, and new fees, monitoring requirements, and regulatory actions with potential unintended consequences for more vulnerable groups of farmers. Efforts to promote land equity under SGMA should also avoid impacting additional vulnerable communities, such as protecting drinking water quality for rural residents.

While SGMA requires sustainable management of groundwater that will eventually benefit all groundwater users, the implementation process may disproportionately impact priority producers and land stewards. Small-scale farms tend to have older, shallower wells and are more vulnerable to declining groundwater levels, as pumping continues in many areas until full sustainability is required in 2040. If a local GSA sets minimum threshold targets for groundwater levels below the level of shallower wells, these wells may go dry before groundwater sustainability is implemented. While large landowners and companies may have flexibility with different properties, sometimes in different groundwater basins, small-scale priority producers and land stewards are more likely to be fully dependent on one piece of property and will be more drastically affected by across-the-board reductions in allocations of groundwater for irrigation. Groundwater markets that may develop as a result of SGMA would likely benefit larger farms with more capital and resources, with concerns about the development of market power for interest groups that could exclude users outside their network, difficulty of trading for smaller farms, and higher transaction costs to participate. The risks to tenant farmers in areas with groundwater markets are high. Since farmland can now be associated with groundwater allocations, and unused water can be sold in a groundwater market, farmland could be used for sales of groundwater instead of being leased to a tenant. Current market rates for land rental, property taxes, and groundwater sales may determine which is more profitable. These factors all could have substantial effects on land equity as access to groundwater, land prices and availability, and economic viability of priority producer operations may be affected.

- a) Define criteria for: exceptions, exemptions, de minimis categories, alternate requirements, and tiers to structure groundwater allocations, fees, monitoring, reporting, and other regulatory requirements to limit unintended impacts on vulnerable communities including priority producers, small-scale and family-operated farms, and limited-resource farmers and ranchers.
- b) Identify funding and resources for technical assistance, cost sharing, engagement with GSAs, and legal consultation to support small-scale and priority producers during the process of SGMA implementation.
- c) Determine best practices for land fallowing and repurposing programs to minimize impacts and maximize benefits for small-scale or priority producers and land stewards: for example, comparing the benefits of reducing groundwater pumping through maximizing large acreages of fallowed or repurposed land, repurposing existing land use to smaller diversified farming systems, and/or fallowing or repurposing land on smaller farms.
- d) Include small-scale priority producers and land stewards in well mitigation programs to support residents and farmers with shallower wells and/or whose wells go dry during SGMA implementation.
- e) Support infrastructure for surface water access to diversify sources of irrigation water for small farms and priority producers and land stewards.
- f) Either prohibit groundwater markets, or establish state regulations for groundwater markets to protect vulnerable communities of rural residents, priority producers, and land stewards and limit the ability of larger entities to develop market power.<sup>62</sup>
  - i) Require neutral third parties to administer groundwater markets.
  - ii) Ensure that groundwater buyers and sellers and groundwater trades are anonymous.
  - iii) Define special management areas with rules that protect vulnerable communities based on hydrology, locations of shallow wells, etc.
  - iv) Place limits on trading to avoid impacts to vulnerable communities and/or the development of market power, such as: ag-to-ag only, within GSA or sub-basin only, or directionally (e.g. east to west).
  - v) Start small and evaluate water markets frequently, with regular stakeholder participation and ongoing monitoring to determine whether unintended consequences such as the development of market power are occurring.
  - vi) Fund third-party organizations to facilitate groundwater market access and participation with technical assistance, outreach and education, and manage groundwater trading for groups of small producers and land stewards.

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<sup>62</sup> California Water Commission. 2022. A State Role in Supporting Groundwater Trading with Safeguards for Vulnerable Users: Findings and Next Steps. [https://cwc.ca.gov/-/media/CWC-Website/Files/Documents/2022/05\\_May/May2022\\_Item\\_10\\_Attach\\_1\\_WhitePaper\\_Final.pdf](https://cwc.ca.gov/-/media/CWC-Website/Files/Documents/2022/05_May/May2022_Item_10_Attach_1_WhitePaper_Final.pdf)



## 2) Irrigated Lands Regulatory Program (ILRP)

The Irrigated Lands Regulatory Program (ILRP) was implemented to protect drinking water quality due to decades of over-fertilization in California agricultural production systems and the resulting contamination of aquifers with nitrates from fertilizers. Producers report nitrogen applied and nitrogen removed at harvest to regional water quality coalitions, which report it in aggregated form to regional water quality control boards. Nitrate contamination is a serious public health issue requiring regulation; however, the structure of ILRP reporting requirements is much more streamlined for larger monoculture farming operations, while smaller, organic, and diversified farms struggle with the complexity of required reporting of nitrogen released from a wider range of different sources and nitrogen present in a diversity of harvested crops. Enforcement procedures can be severe, such as letters warning of fines of \$1,000 per day if paperwork is not submitted on time, and information usually is not available in multiple languages. Funding for technical assistance is extremely limited, as no provision has been made for this at the state level and regional water quality coalitions are required to raise funds through charging member fees. Compliance can also be more complicated for tenant farmers: either the landlord or tenant can enroll as a member in a water quality coalition to report nitrogen use and removal, and confusion can arise over who is responsible. These factors combine to make regulatory compliance with the ILRP extremely difficult for small-scale priority producers and land stewards to achieve without substantial technical assistance, adding to the overall regulatory burden that can inhibit farm viability. Implement the recommendations for ILRP compliance in the CDFA and CalEPA Regulatory Alignment Study<sup>3</sup> that are relevant to equity for small-scale and limited-resource farmers, particularly the sections on **Equity** (opportunities to ensure the inclusion of socially disadvantaged communities, and farmers and ranchers in the development, implementation, and enforcement of regulations) and **Efficiency** (opportunities to simplify and expedite regulatory administrative, reporting, and compliance processes). Selected recommendations from this study are also highlighted below.

- a) Implement the alternate reporting requirements included in the Eastern San Joaquin General Order for all water quality coalitions that include small-scale diversified farms.<sup>63</sup>
- b) Invest in resources and technical assistance to support priority producers and small-scale farmers with ILRP compliance.
- c) Revise regulatory communications to include references to technical assistance available and encourage producers to seek assistance with compliance.
- d) Revise regulatory actions and fees when reporting is not submitted on time to be less threatening: for example, remove the fine of \$1,000 per day and replace it with a

<sup>63</sup> Dahlquist-Willard, Ruth, and Aparna Gazula. 2017. Comments on the Eastern San Joaquin River Watershed Agricultural Order. [https://www.waterboards.ca.gov/public\\_notices/comments/a2239ac/comments20171205/ruth\\_dahlquistwillard.pdf](https://www.waterboards.ca.gov/public_notices/comments/a2239ac/comments20171205/ruth_dahlquistwillard.pdf)



more reasonable fine, or develop a tiered structure for fines that is more reasonable for small-scale producers.

- e) Support water quality coalitions with resources for bilingual outreach, technical assistance, and development of tools relevant to small-scale farmers and priority producers.
- f) Streamline resources and requirements for domestic well testing, so that small-scale priority producers and land stewards enrolled in water quality coalitions can submit test results from domestic well testing assistance programs to document ILRP compliance via GeoTracker.
- g) Place a liaison between the State Water Resources Control Board and small-scale priority producers within CDFA's Farmer Equity Office.

#### **ILRP References:**

- Dahlquist-Willard, Ruth; Gazula, Aparna (2017). Comments on the Eastern San Joaquin River Watershed Agricultural Order: identifying unique needs and challenges for diversified, socially disadvantaged farmers. Policy paper submitted to the State Water Resources Control Board. December 22, 2017.  
[https://www.waterboards.ca.gov/public\\_notices/comments/a2239ac/comments20171205/ruth\\_dahlquistwillard.pdf](https://www.waterboards.ca.gov/public_notices/comments/a2239ac/comments20171205/ruth_dahlquistwillard.pdf)
- STATE OF CALIFORNIA STATE WATER RESOURCES CONTROL BOARD ORDER WQ 2018-0002 – Waste Discharge Requirements General Order No. R5-2012-0116 for Growers Within the Eastern San Joaquin River Watershed that are Members of the Third-Party Group.  
[https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2018/wqo2018\\_0002\\_with\\_data\\_fig1\\_2\\_appendix\\_a.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2018/wqo2018_0002_with_data_fig1_2_appendix_a.pdf)

### **3) Food Safety Modernization Act (FSMA)**

The federal Food Safety Modernization Act (FSMA) requires wholesale producers of all scales to comply with requirements for training, recordkeeping, and on-farm practices, in addition to any third-party food safety audits that their buyers may require. While the goal of preventing food safety outbreaks from harvested produce is essential to protect public health, the costs in time and materials for compliance and inspections contribute to the overall increased regulatory burden for small-scale priority producers and land stewards and the effect of compliance on small and beginning farm viability. This is particularly the case when the scope of federal compliance required may exceed the level of food safety risk on the farm: for example, when many crops are generally cooked rather than eaten raw. Certain culturally important crops from a diversity of farming communities and marketed to a diversity of California consumers may be very infrequently consumed raw, or even toxic when eaten raw. Yet, they are not on the “rarely consumed raw” (RCR) list for FSMA

exemptions, because they were not included in the questions on dietary habits in the National Health and Nutrition Examination Survey (NHANES).

FSMA includes exemptions for very small farms (average annual sales of \$25,000 or less, adjusted for inflation) and crops on the [RCR list](#), and a qualified exemption with less stringent requirements for farms with a majority of their sales direct to local end users and average annual sales of \$500,000 or less (adjusted for inflation<sup>REF</sup>). Small-scale and priority producers and land stewards selling to regional and national wholesale markets may be most affected by FSMA requirements, since they must comply with the same requirements as larger operations yet have limited resources to do so. Inspections present an additional difficulty, as the process to select farms and contact farmers for FSMA inspections may not be set up to account for language and cultural barriers. In the listening sessions conducted by the Task Force, farmers mentioned the confusing requirements of multiple different required food safety inspections and suggested that a process to streamline requirements would be helpful.

- a) Implement the recommendations for food safety compliance in the CDFA and CalEPA Regulatory Alignment Study<sup>3</sup> that are relevant to equity for small-scale and limited-resource farmers, particularly the sections on **Equity** (opportunities to ensure the inclusion of socially disadvantaged communities, and farmers and ranchers in the development, implementation, and enforcement of regulations) and **Efficiency** (opportunities to simplify and expedite regulatory administrative, reporting, and compliance processes). Selected recommendations from this study are also highlighted below.
- b) Establish an equitable and fair process that is accessible to producers with limited access to digital communication methods to set up on-farm inspections for priority producers, such as advance notice in writing, opportunity to identify translation services, and options to involve a family member fluent in English.
- c) Identification of additional “rarely consumed raw” crops at the state level for exemption from FSMA inspections, particularly those with cultural importance for diverse California communities, and communication of this information to the FDA, similar to the case of taro in Hawaii.
- d) Maintain grower data as confidential and not to be shared with other agencies or third parties without the consent of the grower, such as with an “opt-in” check box, including for CDFA’s Farm Data Repository.
- e) Allow growers under a defined threshold of sales to self-report successfully passing a private audit aligned with FSMA as a replacement for a full FSMA Produce Safety Rule inspection.
- f) Fund bilingual outreach and technical assistance for FSMA compliance through partner organizations.
- g) Provide state agency resources and Produce Farm Inspection Report Summaries in multiple languages.

- h) Support efforts to develop culturally appropriate and interactive curriculum meeting Produce Safety Alliance training requirements for FSMA compliance.
- i) Conduct periodic listening sessions with CDFA's Farmer Equity Office committees, including the BIPOC Producer and Small-Scale Producer Advisory Committees.

#### **FSMA References:**

- US Food and Drug Administration. Exemptions Relevant to Produce Farms Under the Produce Safety Rule and the Food Traceability Rule. <https://www.fda.gov/food/food-safety-modernization-act-fsma/exemptions-relevant-produce-farms-under-produce-safety-rule-and-food-traceability-rule> Updated 12/07/2023
- Dahlquist-Willard, Ruth; Gazula, Aparna; Roberson, Jacob; Zhou, Qi; Castiaux, Marianna; DiCaprio, Erin; Ramos, Thais; Pires, Alda (2021). Rarely Consumed Raw Consumer Survey of Specialty Asian Crops: Results and Recommendations. Submitted to the Food and Drug Administration (FDA) public comment on Produce Safety Rule: Enforcement Policy for Entities Growing, Harvesting, Packing, or Holding Hops, Wine Grapes, Pulse Crops, and Almonds; Guidance for Industry. <https://www.regulations.gov/comment/FDA-2019-D-1266-0013>

#### **4) California Labor Policies and Regulations**

Agricultural labor laws are needed to protect the quality of life and wages of farm workers in California agriculture. However, some processes and policies can affect small-scale priority producers and land stewards differently than intended. For example, fees for OSHA violations can be out of proportion to the scale of the farming operation, and requirements for extended family members to help with farm labor can create difficulties for farming communities that rely on cultural practices of labor reciprocity and unpaid help from extended family networks to sustain their economic viability.<sup>64</sup> Farmers in listening sessions cited the difficulty of keeping up with changes in labor regulations and the need for education and technical support to remain in compliance.

- a) Revise OSHA fee structure to be more equitable: for example, implement a tiered approach for small-scale and priority producers and land stewards.
- b) Expand and promote free OSHA consultation services.<sup>65</sup>
- c) Make equipment and infrastructure required for compliance available to rent or borrow in case of emergency, such as shade structures, portable restrooms, etc. – possibly as part of shared equipment lending programs.

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<sup>64</sup> Sowerwine, J, Getz, C, Peluso, N. 2015. The myth of the protected worker: Southeast Asian micro farmers in California agriculture. *Agriculture and Human Values* 32(4): 579–595.  
DOI: <http://dx.doi.org/10.1007/s10460-014-9578-3>.

<sup>3</sup> CDFA and CalEPA Regulatory Alignment Study: <https://www.cdfa.ca.gov/RegulatoryAlignment/>

<sup>65</sup> <https://www.dir.ca.gov/dosh/agmore.htm>

- d) Revise California labor regulations for extended family members providing part-time assistance with farm labor, limited under a minimum threshold of hours per week or month (e.g. direct uncles, aunts, cousins, nieces, and nephews 18 or over who would not be considered employees).
- e) Support training and technical assistance for understanding and complying with current labor regulations, such as minimum wage, piece rate, overtime, heat illness, workers compensation, and similar requirements. This could be provided through an “ag ombuds” or “public navigator” program.

### **5) Pest Management Policies and Regulations**

Policies and regulations related to pest management can add to the overall regulatory burden affecting economic viability for priority producers and land stewards if they are misaligned with the scale and diversity of farming operations in those communities. At the same time, California’s Sustainable Pest Management Roadmap provides opportunities for multiple public benefits through promoting more sustainable pest management practices.

- a) Provide financial support for small-scale priority producers and land stewards for losses due to enforcement of quarantine regulations, such as mandatory destruction of crops or land fallowing.
- b) Provide technical assistance and training for pest management options under quarantine regulations.
- c) Support research, technical assistance, and training on pesticide alternatives appropriately scaled for small and/or diversified farms under the Sustainable Pest Management Roadmap, particularly for agroecological or biologically integrated pest management methods such as biological control, cultural control, host plant resistance, and reduced-risk products.
- d) Provide training and technical assistance for private applicators to understand and follow pesticide safety regulations, including bilingual assistance for private applicator exam preparation, pesticide use reporting, obtaining permits, and understanding pesticide label requirements.