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May 10, 2024

The Honorable Buffy Wicks
Chair, Assembly Appropriations Committee
1021 O Street, Suite 8220
Sacramento, CA 95814

RE: AB 2528 (Arambula), Williamson Act Contract Cancellation Fees – OPPOSE

Dear Assembly Member Wicks,

I am writing on behalf of the Kern County Board of Supervisors to express our concerns with AB 2528 (Arambula), as amended on May 6. As introduced, AB 2528 would have provided Williamson Act farmers facing water scarcity with an opportunity to avoid paying cancellation fees altogether if their land is essentially fallowed and converted to accommodate renewable energy projects that help meet the state's aggressive climate targets. Rather than benefit farmers by waiving the cancellation fees to allow for better negotiation of solar leases or returning cancellation fee proceeds directly to counties, **AB 2528 now requires payment of a reduced fee and allows the solar industry to assert undue influence on projects via "community benefit agreements" that only serve to further the public relations efforts of these large projects that can be contentious and span hundreds to thousands of acres.**

Kern County has permitted over 20,000 MW of wind and solar and over 3,000 MWh of battery storage. As the center of energy development in California, it is Kern County's opinion that this bill has been strategically altered by the large-scale solar industry to keep farmers on the hook for some cancellation fees that will translate into leverage for the solar industry in negotiating lower lease agreements for the land they seek. In addition, the amendments serve as an effective public relations tool for large corporations to promote these massive projects to impacted communities as "beneficial" in an effort to preemptively quell public concerns on issues that may have significant impacts on local communities.

For almost 60 years the Williamson Act, known as the California Land Conservation Act of 1965, has enabled local governments to enter into contracts with private landowners for the purpose of preserving agricultural and related open space land. Contracts must remain in place for a minimum of 10 years. In return for preserving those lands, property owners are incentivized with a property tax reduction.

More than 16 million acres of California's 31.4 million acres of farm and ranch land have participated in the program with 52 of California's 58 counties executing contracts with landowners.

To ensure the agricultural or open space uses are honored, a rigorous process for cancelling Williamson Act contracts prior to the expiration of their 10-year term was included in the enabling statute and a cash penalty must be paid for those property owners who opt to terminate their contracts early. Counties were incentivized to promote the Williamson Act and preserve agricultural and open space land through subsidies from the State of California for the loss of property tax revenue. Unfortunately, counties have received no subvention of these tax losses from the state since 2009, yet the early termination penalty fee (cancellation fee) is still sent directly to the State of California for use by the Department of Conservation and the State General Fund.

This bill, as amended, does nothing to further the interests of farmers who are facing an existential threat to their livelihoods due to ongoing and persistent drought or promote the responsible siting of large scale commercial solar as directed by State policies. For these reasons, the Kern County Board of Supervisors is opposed to this legislation and respectfully requests that you vote **NO on AB 2528**.

Sincerely,



David Couch, Chairman
Kern County Board of Supervisors

cc: Honorable Members, Assembly Appropriations Committee
Honorable Members, Kern Legislative Delegation
The Honorable Dr. Joaquin Arambula, Assembly District 31
Shaw Yoder Antwih Schmelzer & Lange