



CALIFORNIA FARM BUREAU FEDERATION

# FRIDAY REVIEW

LEGISLATIVE AND GOVERNMENTAL UPDATE

March 26, 2021

## Legislative Timeline

The State Legislature will be on Spring Recess next week and will be returning to hear bills in policy committee and appropriations starting April 5<sup>th</sup>.

## Appointments & Nominations

Governor Gavin Newsom has submitted to the State Legislature the nomination of Alameda Assemblymember **Rob Bonta** as the next *California Attorney General*, filling the seat vacated by Xavier Becerra, who was recently sworn in as Secretary of the U.S. Department of Health and Human Services. The nomination is subject to confirmation by the California State Assembly and Senate within 90 days. Assemblymember Rob Bonta was elected to the California State Assembly's 18th District in 2012, where he represents the cities of Oakland, Alameda and San Leandro. He became the first Filipino American state legislator in California's history.

Governor Gavin Newsom has reappointed **Joaquin Esquivel**, 38, of Sacramento to the *State Water Resources Control Board*, where he has served since 2017 and currently serves as *Chair*. Esquivel was Assistant Secretary for Federal Water Policy at the California Natural Resources Agency from 2015 to 2017, served in the Office of U.S. Senator Barbara Boxer from 2007 to 2015, and was a Center Youth Manager at Gay Associated Youth from 2002 to 2004. This position requires Senate confirmation; Esquivel is a Democrat. *Staff Contact: Danny Merkley, [dmerkley@cbbf.com](mailto:dmerkley@cbbf.com) or (916) 446-4647.*

Governor Newsom has appointed or reappointed the following members to the *California Fish and Game Commission*:

- **Jacqueline Hostler-Carmesin** (reappointed) of McKinleyville. She has served as a Commissioner since 2013. Hostler-Carmesin has been Chief Executive Officer at Cher-Ae Heights Indian Community of the Trinidad Rancheria since 2010 and was Director of Transportation and Land-Use Planning there from 2007 to 2009. This position requires Senate confirmation and Mrs. Hostler-Carmesin is an American Independent.
- **Samantha Murray** (reappointed) of Del Mar. She has served since 2019. Murray has been Faculty and Executive Director of the Master of Advanced Studies Program in Marine Biodiversity and Conservation at Scripps Institution of Oceanography at the University of California, San Diego since 2017 and Principal at Samantha Murray Consulting since 2015. She was Director of the Water Program at the Oregon Environmental Council from 2015 to 2016, at the Ocean Conservancy from 2007 to 2014 and was Conservation Director at the Golden Gate Audubon Society from 2005 to 2007. She earned a Juris Doctor degree from Lewis & Clark Law School and is a Democrat.
- **Erika S. Zavaleta**, of Santa Cruz, has been appointed. Zavaleta has been a Professor at UC Santa Cruz in the Ecology and Evolutionary Biology Department since 2016 and a Professor in the

Environmental Studies Department from 2003 to 2016. She held multiple positions at The Christensen Fund from 2005 to 2007, was a Postdoctoral Fellow at UC Berkeley from 2001 to 2003. She is a Fellow of the California Academy of Sciences and the Ecological Society for America; a Howard Hughes Medical Institute Professor; a member of the Society for Conservation Biology and the International Union for Conservation of Nature's Connectivity Conservation Specialist Group and Invasive Species Specialist Group; an advisory board member at the Wildlife Conservation Society–Climate Adaptation Fund; and Associate Editor at Elementa. Zavaleta earned a Doctor of Philosophy degree in biological sciences and a Master of Arts degree in anthropology from Stanford University. Zavaleta is a Democrat.

## Agricultural Employment

[SB 606](#) (Lorena Gonzalez, D-San Diego) creates a new classification of employment law violations that will cause some employers to be dubbed “egregious employers” and would thereby subject them to much higher penalty levels. These would be levied on an employee-by-employee basis rather than location by location. Farm Bureau opposes. SB 606 was approved March 22 by the Senate Labor, Public Employment and Retirement Committee on a 4-1 vote and referred to the Senate Judiciary Committee. *Staff Contact: Bryan Little; 916-561-5622 or [blittle@cfbf.com](mailto:blittle@cfbf.com)*

[SB 685](#) (Mike McGuire, D-Healdsburg) extends an existing allowance for the employment of minors aged 16 and 17 in packing facilities in Lake County for up to 10 hours per day and 48 to 60 hours per work week when school is not in session. This also requires prior approval of the Lake County Office of Education until January 2, 2032. SB 685 was approved by the Senate Labor, Public Employment and Retirement Committee on March 22, 2021 on a 5-0 vote. Farm Bureau supports. *Staff Contact: Bryan Little; 916-561-5622 or [blittle@cfbf.com](mailto:blittle@cfbf.com)*

## Economic Outlook

The State has announced that the State's General Fund revenues are running \$14.3 billion above January's revenue forecast, with receipts for February exceeding the month's projections by \$3.8 billion. The state began the year with an operating surplus of \$15 billion. *Staff Contact: Taylor Roschen, [troschen@cfbf.com](mailto:troschen@cfbf.com) or 916-446-4647.*

## Endangered Species

The California Department of Fish and Wildlife (DFW) continues tracking the movements a single yearling grey wolf through the central valley– the farthest south a wolf had traveled in recent history. He is identified as OR-93, from the Oregon pack, and was collared in June of 2020. He entered Modoc County on February 4<sup>th</sup>, proceeded to cross I-80 and continued south. Experts assume that he is looking for a mate as he continues his journey. As of this week, he was located in Fresno County south of Coalinga and crossed both Highway 99 and I-5 heading west. Although OR-93 has a GPS collar, sometimes the data is not properly uploaded for several days. Additionally, even after the information has been recorded, it is likely the wolf has moved on from his last known location – making it impossible to know where he is at any given time. Because of this uncertainty, farmers and ranchers in the area should be on alert, and practice caution. The wolf was last reported near the county border of Fresno and San Benito. CAFB has met with CDFW to ensure that the relevant Ag Commissioners and CAFB staff receive regular updates. *Staff Contact: Robert Spiegel, [rspiegel@cfbf.com](mailto:rspiegel@cfbf.com) or (916) 446-4647.*

## Livestock Feed

The Department of Food and Agriculture has announced changes to the tonnage tax reporting for the Commercial Feed Regulatory Program. Effective, April 1<sup>st</sup>, licensees will see these new changes in tonnage tax reporting within the Extra View Database and on the Tonnage Reporting Form. These changes will include expanded and specified reporting such as overall feed categories, specific feed or ingredient, and intended

species. Human food by-products are exclusively defined within the four following categories: Wet Food Processing Waste; Recovered Retail Food; Restaurant Food Waste; and, Cull Fruits and Vegetables. Detailed definitions of all categories listed can be found at CDFA's [website](#). These changes in reporting will illustrate the vital role of by-products and demonstrate the sustainability and significance of the "highest and best use" concept that human food by-products continue to have throughout California. Additionally, the Department is working on draft regulations pertaining to the incentivization of licensing and tonnage tax reporting of by-products, including assessing licensees at a lower tonnage tax and license rate. Notification will be provided to industry when the regulations are published. *Staff Contact: Taylor Roschen, [troschen@cbbf.com](mailto:troschen@cbbf.com) or 916-446-4647.*

## Rural Crime

Assemblymember Devon Mathis (R-Visalia) has introduced AB 659, a bill that would make the 4<sup>th</sup> infraction of dumping waste on private property, including on any private road or highways, without the consent of the owner, punishable by imprisonment, face a fine up to \$3,000 or \$6,000 if it includes tires. According to the author's office, "this bill will protect our public and private lands and ensure the health of our environment and people. AB 659 is the next step in preserving our state's environment and supporting our agricultural businesses." CBBF is in support of this measure. It will be heard in the Assembly Public Safety Committee on April 6<sup>th</sup>. *Staff Contact: Katie Little, [klittle@cbbf.com](mailto:klittle@cbbf.com) or (916) 446-4647.*

## Transportation

AB 505 (James Gallagher, R-Yuba City) would authorize commercial haulers to utilize an oversize load exclusion for the purposes of transporting an implement of husbandry is in the process of being amended. The provisions of AB 505 will likely be narrowed to apply only to the transportation of rice stompers within the Northern Sacramento Valley with specific requirements related to motoring safety and mileage limitations. AB 505 will provide added flexibility for rice farming operations specifically and does not risk the other ag transportation exclusions afforded to farmers within California vehicle code. With these amendments, Farm Bureau will be in support of the legislation. *Staff Contact: Robert Spiegel at [rspiegel@cbbf.com](mailto:rspiegel@cbbf.com) or (916) 446-4647.*

## Utility

Senator Josh Becker (D-San Mateo) successfully shepherded SB 345 through the Senate Energy, Utilities, and Communications Committee on March 15, 2021 on a 10 to 2 vote. It would require that the California Public Utility Commission (CPUC) develop a common definition of "nonenergy benefits" in all distributed energy resource programs, which, in many circumstances could be contrary to the core purpose of the CPUC to determine appropriate rates and ensure reliable utility services. Although the bill was amended in committee, it expanded the circumstances in which nonenergy benefits would apply, thereby reinforcing the need to oppose the legislation. It will move to Senate Appropriations Committee next. CBBF joined with a coalition to oppose the legislation because the CPUC's core expertise is in setting appropriate rates and ensuring oversight over the state's regulated utilities to ensure appropriate and cost-effective utility service. Its functions are fundamentally economic ones; ensuring that California's ratepayers are not paying more than they need to for reliable services. Prioritization of nonenergy benefits over other cost-effectiveness factors may result in increased costs that burden those very customers sought to be benefited by this bill.

Incorporating environmental benefits into all of the CPUC's demand response programs could cause unforeseen difficulties, including unnecessary increases in rates with marginal environmental benefit. *Staff Contact: Karen Mills at [kmills@cbbf.com](mailto:kmills@cbbf.com).*

## Water

The State Water Resources Control Board mailed letters this week to all water right holders warning of ongoing dry conditions in most California watersheds. The letter encourages water right holders to plan and prepare for potential water shortages later this year. The letter also reminded that water diversion and use reporting helps provide critical information to manage the state's water resources. As of March 17, 2021, only 25% of reports due on April 1, 2021 have been submitted. Farm Bureau has previously reported the low reporting percentages and encouraged water right holders to report to avoid fines and to assist in accurate accounting of water availability, avoiding premature curtailment notices from the Water Board's Division of Water Rights. To report your 2020 water use information, go to the [Report Management System](#) (RMS) available [here](#), by April 1, 2021. Reports for statements of diversion and use and groundwater recordation are due July 1, 2021 but can be submitted earlier. For assistance with water use reporting, please visit the Annual Water Diversion and Use Reporting help [webpage](#). Information on the Division of Water Rights and other State Water Board efforts related to dry conditions and drought will be provided on the Water Boards Drought webpage available [here](#). *Staff Contact: Danny Merkley, [dmerkley@cbbf.com](mailto:dmerkley@cbbf.com) or (916) 446-4647.*

The Lahontan and the Central Valley Regional Water Quality Control Boards are beginning the process to regulate activities by the Bureau of Land Management and the U.S. Forest Service on federal lands. Land management activities that may be regulated under the proposed Non-Point Source (NPS) permits include timber harvest and vegetation management, transportation management, recreation facilities management, wildfire management and recovery, and restoration activities. Although the Lahontan and Central Valley regional boards are working together during this permit development process, each regional board will be separately permitting these activities within their respective region.

- The Lahontan Regional Water Quality Control Board staff will conduct a California Environmental Quality Act (CEQA) remote scoping meeting Tuesday, **April 7, 2021** from 2:00-3:30 p.m., via Zoom, at: <https://waterboards.zoom.us/j>; enter meeting ID: 991 7850 6365, or by phone at (669) 900-9128. Written comments can be submitted electronically to [WB-RB5R-Fed.NPS.permit@waterboard.ca.gov](mailto:WB-RB5R-Fed.NPS.permit@waterboard.ca.gov) during the 45-day public comment period, from March 8-April 22, 2021. Additional meeting details and information regarding this project are available [here](#).
- The Central Valley Regional Water Quality Control Board will conduct a CEQA scoping meeting **April 13, 2021** from 10:00-11:30 a.m., via Zoom available at <https://waterboards.zoom.us/j>; enter meeting ID: 943 1250 8221, or by phone at (669) 900-9128. Written comments can be submitted electronically to [RB5R-Fed.NPS.permit@waterboard.ca.gov](mailto:RB5R-Fed.NPS.permit@waterboard.ca.gov) during the 45-day public comment period, from March 12-April 27, 2021. Please include "Comment Letter – Central Valley Water Board Proposed Federal NPS Permit" in the subject line. Additional meeting details and information regarding this project are available at [here](#).

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## Wildfire

AB 1431 (Jim Frazier, D-Fairfield) would codify various objectives and goals established in California's Forest Carbon Plan (2018) and would bring greater accountability to fuel treatments and vegetation management activities conducted within the state. Assembly Bill 1431 will hold the state respective agencies accountable for increasing the pace and scale of these forest management activities to not only protect our

environmental resources, but also the lives and private property of Californians. Farm Bureau is in support of the legislation. *Staff Contact: Robert Spiegel at [rspiegel@cbbf.com](mailto:rspiegel@cbbf.com) or (916) 446-4647.*

## Wildlife

[AB 614](#), authored by Assemblymember Cecilia Aguiar-Curry (D – Winters), is a bill that would allow the Nesting Bird Habitat Incentive Program to authorize direct payments to landowners in order to encourage cultivation of upland cover crops, cereal grains, grasses, forbs, or pollinator plants to provide waterfowl and other game bird nesting habitat cover encouraging the use of agricultural lands for wildlife habitat. AB 614 would authorize the Department of Fish and Wildlife to enter into grants or contracts directly with landowners. According to the author's office, "In doing so, it would not only help increase local waterfowl, upland gamebird, and other wildlife populations, but will also financially support working landscapes." CAFB supports this measure and has signed onto a coalition letter with other stakeholders. *Staff Contact: Katie Little, [klittle@cfbf.com](mailto:klittle@cfbf.com) or (916) 446-4647.*