

FRIDAY REVIEW

LEGISLATIVE AND GOVERNMENTAL UPDATE

October 8, 2021

ANNOUNCEMENTS

The U.S. Department of Agriculture (USDA) today announced a [Request for Applications \(RFA\)](#) for the new Pandemic Response and Safety (PRS) Grant program and encourages eligible entities to apply now for funds. Applications must be submitted electronically through the grant portal at <https://usda-prs.grantsolutions.gov/usda> by 11:59 p.m. Eastern Time on Monday, November 22, 2021. Approximately \$650 million in funding is available for the PRS grants, which are funded by the Pandemic Assistance provided in the Consolidated Appropriations Act of 2021.

The PRS Grant program will assist small businesses in certain commodity areas, including specialty crop producers, shellfish farming, finfish farming, aquaculture, and apiculture; specialty crop, meat, and other processors; distributors; and farmers markets. Small businesses and nonprofits in these industries can apply for a grant to cover COVID-related expenses such as workplace safety measures (e.g., personal protective equipment (PPE), retrofitting facilities for worker and consumer safety, shifting to online sales platforms, transportation, worker housing, and medical costs. The minimum funding request is \$1,500 and the maximum funding request is \$20,000. For more information, you can also reach out to the PRS help desk, Monday-Friday, 9 a.m.-9 p.m. ET at (301) 238-5550 or usda.ams.prs@grantsolutions.gov.

The California Department of Food and Agriculture (CDFA) is now accepting grant applications for its Biologically Integrated Farming Systems (BIFS) Program and its Proactive Integrated Pest Management (Proactive IPM) Solutions Program, administered by the Office of Pesticide Consultation and Analysis (OPCA). OPCA is housed under the CDFA Office of Environmental Farming and Innovation. The goal of the BIFS grant program is to fund on-farm demonstration and evaluation of innovative biologically based farming systems that employ integrated pest management (IPM) strategies. OPCA received a one-time appropriation of \$2 million for BIFS as part of the 2021-2022 budget.

Applications for the BIFS are due by 5 PM PST, December 6, 2021. Detailed information on the BIFS program, including the application process and requirements, is available <https://www.cdfa.ca.gov/oefi/opca/bifs.html>. Detailed information on the Proactive IPM Solutions Program, including the application process and application requirements, is available at <https://www.cdfa.ca.gov/oefi/opca/proactive-ipm.html>. A public information workshop is scheduled to provide details on the BIFS and Proactive IPM Solutions grant programs. This workshop will be held as a webinar on the date provided below:

Thursday, October 21, 2021
10 AM to 11 AM (Pacific Time)

Topic: CDFA OPCA BIFS and Proactive IPM Solutions Public Information Workshop
Register in advance for this webinar: https://us06web.zoom.us/webinar/register/WN_9kjbpyysTT-T7VhoqLPahA

Animal Health

CA Farm Bureau supported [AB 1103](#) (Megan Dahle, R – Bieber) which was signed by the governor yesterday. AB 1103 would benefit farmers and ranchers by granting any qualifying agricultural producer, or managerial employee, access to the rancher's livestock during a natural disaster – most notably wildfires. Unfortunately, when wildfires threaten commercial ranching operations, road closures often prevent ranchers from ensuring the health and well-being of their animals. Without access, ranchers cannot provide feed and water to their livestock, administer veterinary care, or evacuate the animals away from the immediate threat. Ag Pass would provide immediate access to producers who can then evacuate livestock and access valuable resources such as water. It would also eliminate unnecessary delays while waiting for a sheriff's escort onto their private property and allow responders to focus on public safety. Staff: Katie Little at klittle@cfbf.com or 916-446-4647.

[SB 703](#), a bill introduced by Senator Melissa Hurtado (D – Sanger) would establish a process in which the California Animal Health and Food Safety (CAHFS) Laboratory System would become certified, therefore providing standardization and quality assurance throughout the state. The standardization that would result from the certification of laboratories would additionally limit the amount of incorrect or inconclusive test results. These “false tests” can ultimately result in a state response, product recall, or even trade sanctions from other states and countries. The economic outcome of such inaccuracies can be devastating to local producers, and the repercussions could long outlast the corrective measures. Farm Bureau supported SB 703 and all efforts to minimize contagious diseases, pathogens and the effects thereof. This bill, which was signed into state law, will allow CDFA to provide a safe product for consumers, in addition to minimizing the amount of incorrect test results which can be damaging to farmers, ranchers, and the California agricultural industry. Staff: Katie Little at klittle@cfbf.com or 916-446-4647.

Gray Wolf Update

Between September 20 and 26, the California Department of Fish and Wildlife (CDFW) received three separate reports of a gray wolf with a purple collar in northern Ventura County. CDFW staff began site inspections and have confirmed recent wolf tracks in the vicinity. Though CDFW does not have forensic evidence to confirm this at this time, the wolf could be OR-93. The recent reports match the description of OR-93, who was fitted with a purple tracking collar by the U.S. Fish and Wildlife Service and Confederated Tribes of Warm Springs in Oregon in June 2020. The collar was monitored by the Oregon Department of Fish and Wildlife (ODFW), but it stopped transmitting in April.

Neither CDFW nor ODFW can determine the wolf's current location, but if an opportunity arises, CDFW may attempt to capture and re-collar the wolf to continue tracking its journey. Though historically all of California is wolf habitat, this is the farthest south in California that any gray wolf has been documented since one was captured in San Bernardino County in 1922. OR-93 is a male wolf born in 2019. He dispersed from the White River pack in northern Oregon. When his collar was providing information, he was tracked entering Modoc County on January 30, 2021. After briefly returning to Oregon, he reentered Modoc County on February 4. On February 24, he entered Alpine County after passing through portions of Lassen, Plumas, Sierra, Nevada, Placer, El Dorado, Amador and Calaveras counties. On February 25, he entered Mono County. In mid-March, he was in western Tuolumne County. By late March he was in Fresno County, and then entered San Benito County after crossing Highway 99 and Interstate 5. He was in Monterey County on April 1 and his last collar transmission was from San Luis Obispo County on April 5. Through April 5 he had traveled at least 935 air miles in California, a minimum average of 16 air miles per day.

In August, CDFW received [trail camera video\(opens in new tab\)](#) from May 15, 2021 showing a collared gray wolf in southwest Kern County that may have been OR-93. The trail camera records wildlife use at a water through on private property. Though the video was from May, the trail camera was not checked until August, when it was provided to CDFW. Gray wolves are listed as endangered pursuant to California's Endangered Species Act (CESA). It is unlawful to harass, harm, pursue, hunt, shoot, wound, kill, trap or capture gray wolves. Anyone who believes they have seen a wolf in California can [report it to CDFW online](#). More information is available on [CDFW's wolf page](#). Staff: Katie Little at klittle@cfbf.com or 916-446-4647.

Commodities

[AB 535](#) (Aguiar-Curry, D-Winters) was signed into law earlier this week. This measure would require a container of olive oil produced, processed, sold, offered for sale, given away, or possessed in California that includes “California” in any form on its principal display panel and contains olive oil derived from olives grown outside California to disclose the minimum percentage of olive oil in the container derived from olives grown in California. The original text of this bill caused concern for local producers; however, an amendment in July struck the term “containing.” This amendment addressed concerns from stakeholders, including several County Farm Bureaus. CA Farm Bureau helped to facilitate a removing counties’ opposition and relaying their neutral position on the bill. Staff: Katie Little at klittle@cfbf.com or Taylor Roschen, troschen@cfbf.com or 916-446-4647.

Taxation

[SB 539](#) (Hertzberg, D-Van Nuys), a Proposition 19 clean-up bill, has been signed by Governor Newsom. Members may recall that six months ago Farm Bureau was successful in amending the legislation to include significant clarifications to help further protect family farms from new, significant property tax increases upon transfer of ownership. While these clarifications and amendments were absolutely vital to limiting property tax burdens on agriculture, Proposition 19 implementation will likely remain an ongoing challenge for all Californians. Farm Bureau members are encouraged to revisit discussions with their appropriate estate planning professionals given the legislative changes made by SB 539. We are appreciative to Senator Hertzberg and Senator Dahle, as well as Assemblyman James Gallagher for their willingness to address a very complex taxation issue and for their commitment to supporting California agriculture. Staff: Robert Spiegel at rspiegel@cfbf.com or 916-446-4647.

Transportation

[SB 287](#) (Grove, R-Bakersfield), a bill that would provide greater clarity and flexibility related to the licensing requirements for towing horse and stock trailers, has been signed by Governor Newsom. Essentially, SB 287 will resolve an ongoing issue between California Highway Patrol (CHP) and those towing horse and stock trailers for recreational purposes, as opposed to trailering in the conduct of agricultural operations or education. While this may seem like a mundane detail to some, the real-life consequence was that recreational ag purposes (towing a horse trailer for the purposes of horseback riding) would require a commercial Class A license in California under some circumstances, whereas towing for agricultural related purposes required only a basic Class C licensure. The result was that many Farm Bureau members had been cited by CHP for licensure violations over a gross technicality that was largely unenforced for many years. Farm Bureau was proud to have been an early supporter of the legislation and is deeply appreciative to Senator Grove for continuing her pursuit of this legislative fix. Staff: Robert Spiegel at rspiegel@cfbf.com or 916-446-4647.

Water

A measure that provides liability protection for landowners who voluntarily provide land for stream restoration was signed by the Governor this week. The stated purpose of [AB 315](#) (Mark Stone, D-Santa Cruz) is to indemnify and hold harmless a landowner who voluntarily allows land to be used for a project to restore fish and wildlife habitat. Farm Bureau believes the measure offers limited protections to landowners and those did not position on the bill. The Governor sent the following signing message to the State Assembly:

“I am signing Assembly Bill 315 related to indemnity and limited liability protections to real property owners who voluntarily allow stream restoration projects on their property. This bill aligns with the California Natural Resources Agency's Cutting the Green Tape initiative and could increase the pace and scale of habitat restoration in California. However, I have concerns related to the bill's indemnification provisions raised by the Department of Fish and Wildlife (DFW). The final version of the bill provides DFW some flexibility in determining if larger projects could be indemnified, but concerns remain that the Department would be required to take on an uncertain amount of civil liability that would expose the Department to a risk of high costs with uncertain timing and no identified funding source. There are also technical issues with the claims process created by this bill

that need to be addressed. I encourage the author and stakeholders working with my Administration to address these concerns in a bill next session.”

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This week the U.S. Bureau of Reclamation and Friant Water Authority announced the selection of a construction contractor to begin work on the Friant-Kern Canal Middle Reach Capacity Correction Project. Brosamer & Wall/Tutor Perini Joint Venture, based in Walnut Creek, was awarded a \$177 million contract to perform the construction aspects of the first phase of work to repair the Friant-Kern Canal along a portion of the 33-mile stretch. This portion of the canal has lost more than half of its capacity due to subsidence. The total project is estimated to cost around \$500 million and will eventually restore water delivery to over one million acres of farmland and 250,000 residents in California’s eastern San Joaquin Valley.

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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 was signed into law by the governor earlier this week. CBBF joined a coalition with other stakeholders to support this measure through the legislative process. Staff: Katie Little, klittle@cbbf.com or (916) 446-4647.