



April 8, 2011

A Farm Bureau sponsored bill that will legalize the use of carbon monoxide to control vertebrate pests, such as rodents, passed unanimously (on consent) out of the Assembly Agriculture Committee this week. In the late 90's California passed a law prohibiting the use of carbon monoxide to kill any animal in response to concerns raised over its use to euthanize dogs and cats in animal shelters. There was no consideration of carbon monoxide as a safe, humane, and effective control method for pests, such as gophers and ground squirrels, when the original law was enacted. [AB 634](#) (Alyson Huber, D-El Dorado Hills) now moves to the Assembly Floor.

Assembly Member Roger Dickinson (D-Sacramento) pulled an onerous bill regarding Timber Harvest Plans from the Assembly Natural Resources Committee this week due to significant opposition to the bill. [AB 1005](#) would do three things: 1) require that the Department of Fish and Game, Regional Water Quality Control Board, Geological Survey, and the Coastal Commission (where applicable) review every THP; 2) require the Secretary of the Natural Resources Agency to review any THP when the Department of Forestry does not agree with a change recommended by a reviewing agency; and 3) charge a fee to cover the entire cost of review by these agencies. CFBF is opposed to AB 1005 and will continue to monitor it should the author decide to have the bill heard.

CFBF testified in support of two bills this week that would help improve access for Californians to the federal Supplemental Nutrition Assistance Program (SNAP), the program previously known as "food stamps". [AB 6](#) (Felipe Fuentes, D-Los Angeles) would streamline the reporting requirements, implement cost saving measures to enhance fraud prevention efforts, and implement a "heat and eat" provision that increases access to additional federal funding. [AB 69](#) (Jim Beall, D-San Jose) would create a pilot program to improve access for California seniors to SNAP. Farm Bureau supports efforts to ensure that all Californians have access to the bounty of agricultural products that California's farmers grow. AB 6 passed out of the Assembly Human Services Committee on a 4-2 vote and AB 69 passed out of the same committee on a 6-0 vote.

A number of county Farm Bureaus have expressed interest in [SB 618](#) (Lois Wolk, D-Davis) that currently deals with renewable energy facilities in agricultural preserves. SB 618 is only "spot bill" that serves as a placeholder bill and allows a number to be assigned to a measure within an area of law that will later be amended once details are worked out. The measure as it stands now, defines an agricultural preserve as an area of land, at least 100 acres in size, where a county is willing to accept Williamson Act contracts.

Large scale solar power generation facilities are an industrial land use, not an agricultural use of the land for the purposes of the Williamson Act. As a result, except in very limited circumstances, prime

farmland restricted by a Williamson Act contract is not eligible for large scale conversion to electric power production. Small projects used for the production of solar power that is directly related to the production of commercial agricultural products are generally considered compatible with the agricultural use of the land. However, large facilities that significantly compromise the agricultural capability of land, or that displace or impair the agricultural use of the land or neighboring contracted land would no longer qualify for the tax benefits allowed under the Williamson Act and the California Constitution, and would very likely be in breach of contract.

Farm Bureau does not support the deployment of electrical power generation facilities that significantly impact the state's agricultural resources. Specifically, we support the voluntary development of renewable energy projects on public and private lands if it is cost-effective to rate payers. Local land-use decision-making should not be usurped in the determination of suitable siting of renewable generation facilities. Also, in the decision-making process for solar-energy projects, priority should be given to those projects located on marginally productive or physically impaired land. Solar energy projects located on private agriculturally productive lands should be subordinate to the agricultural operation, and should not permanently impede or reduce the productive agricultural capacity of the land for future uses. Large scale utility-sized solar electricity facilities proposed for exclusively agricultural zoning designations or lands used for agricultural mitigation should require a conditional use permit to mitigate the potential negative impacts on neighboring farming operations.

There are literally scores of large scale solar power facilities being proposed in the Central Valley. These projects range from 120 acres to 4000 acres and one project could reach 30,000 acres in size. Some solar advocates believe that solar developers will need approximately 100,000 to 150,000 acres of land in the Central Valley farmland for large scale solar in order to meet the state's renewable energy goals. In addition to the impact from the generation facilities, transmission will need to be added to connect the facilities in remote areas to the statewide grid. We are very involved in SB 618 and are hopeful that it will eventually address the broader policy issues of the economic and environmental impacts of converting farmland to electric power generation facilities.

The Delta Stewardship Council released the second draft of the Delta Plan and is preparing to release the third draft next week. Farm Bureau, working with a diverse coalition of agricultural and water organizations, has expressed grave concern to the Delta Stewardship Council regarding their second draft Delta Plan released last month. The second draft far exceeds the authority provided to the Council by the Delta Reform Act and seeks to regulate statewide water management activities. The Delta Plan was intended to coordinate efforts across state agencies, it was not intended to usurp existing authorities or regulate actions outside the legal Delta.

The State Water Resources Control Board held their annual Water Right Fee Stakeholder meeting on April 7<sup>th</sup>. . The State Water Board called the "Water Right Fee Stakeholder" meeting to inform fee payers about the condition of the Water Rights Fund. As a result of a proposed \$3.6 million reduction in state general fund support, the water board staff proposes to raise Permit, License, and Application fees for Fiscal Year 2011-12 by approximately 67 percent, from the current \$0.03 per acre-foot charge to \$0.05 per acre-foot. The board does not adopt a fee schedule until September, or October of each year. The fee schedule the board adopts must match up with the adopted state budget and the board's fee authority. They cannot increase or decrease personnel to balance things without a legislative directive to do so. The board must however match up fees with their legislative authorized programs. In other words, if the state budget proposes to reduce state general fund augmentation to a program, then the board must match up fees to cover that loss of general fund. Farm Bureau remains actively engaged to keep the water right fees reasonable.

The State Water Resources Control Board is rolling out a new approach to regulate Onsite Wastewater Treatment Systems (OWTS). [AB 885](#) (Hannah-Beth Jackson, D-Santa Barbara), which was signed into law in 2000, required the State Water Resources Control Board to adopt “regulations” or “standards” for permitting and operation of onsite sewage treatment systems. The board drafted proposed regulations more than two years ago and held public workshops in 2009, but in response to public comment the board directed staff to redraft the regulations. Farm Bureau has been and will continue to be actively engaged in commenting throughout the process. Public scoping meetings are planned at the locations and times listed below to take public comment on the Policy Scoping Document:

**Monday, May 2, 2011**

1:00 – 5:00 p.m.

Byron Sher Auditorium  
Joe Serna Jr. Cal/EPA Building  
1001 I Street  
Sacramento, CA 95814

**Thursday, May 5, 2011**

1:00 – 5:00 p.m.

Riverside County Supervisor Chambers  
County Administration Center  
4080 Lemon Street  
Riverside, CA 92501

The Central Valley Regional Water Quality Control Board certified the Programmatic Environmental Impact Report (PEIR) for a Long-Term Irrigated Lands Regulatory Program (ILRP) framework at their April 7 meeting. After hearing more than five hours of public testimony, the board directed staff to revise and bring the Framework back at a later time but took no further action on it. Farm Bureau has been heavily invested in developing an alternative to other proposals for an ILRP in the central valley region for the past two and a half years. Farm Bureau has provided comments outlining our concerns with staff’s proposed framework. The notice of public hearings and the Long-Term ILRP framework are available online at: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/irrigated\\_lands/long\\_term\\_program\\_development/](http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/long_term_program_development/). The board moved the extension of the conditional agricultural waiver to their June board meeting.

Proposed changes to the Porter-Cologne Water Quality Act that would authorize a district attorney, a city attorney of a city with a population that exceeds 750,000 to bring civil actions was approved this week. [AB 246](#) (Bob Wieckowski, D-Fremont) passed out of the Assembly Judiciary Committee on a vote of 6-4 with Assemblymember Huber voting with the Republicans against the bill. The measure is headed on April 26 to the Assembly Environmental Safety and Toxic Materials Committee that Assemblymember Wieckowski chairs. Farm Bureau is opposed.

A measure that would develop a fee-based system to pay for costs associated with public benefit water infrastructure projects, including the public share of surface and subsurface water projects and habitat will be heard in the Senate Natural Resources and Water Committee Tuesday, April 12. [SB 34](#) (Joe Simitian, D-Palo Alto) sets up an annual public good charge of \$110/ acre foot on nonagricultural retail water suppliers, \$20/ per acre of irrigated land charge on agricultural retail water suppliers, or \$10 public good charge per acre of irrigated land when the Department of Water Resources determines best management practices are utilized for a particular crop and soil type. Fifty percent of the fees would finance regional projects consistent with regional water management plans and 50 percent would fund California Water Commission programs, the operation of the Delta Stewardship Council and the Delta Plan. Two thirds majority vote of each house of the Legislature is needed for approval. SB 34 is expected to be amended in the Natural Resources Committee next Tuesday to reflect a division between the Simitian bill establishing fees and defining which projects those fees will fund, and [SB 571](#) (Lois Wolk, D-Davis) which would set up a structure. The authors suggest that the bills heard in committee

next Tuesday will be “works in progress” with stakeholder meetings to follow. Farm Bureau will be actively involved throughout the process. Farm Bureau is opposed to SB 34.

SB 263 (Fran Pavley, D-Agoura Hills) would make reports relating to a water well constructed, altered, abandoned, or destroyed (well logs) on or after January 1, 2012 to be available to the public. Current law requires these reports submitted to the Department of Water Resources to be kept confidential except under certain circumstances. The bill, commencing July 1, 2013, would also make well log information received prior to January 1, 2012 available to the public, unless the department receives notification by the well owner that the well owner desires to keep the report confidential. SB 263 is scheduled to be heard in the Senate Natural Resources and Water Committee on April 12. Farm Bureau continues to work with the author to address concerns.