



February 10, 2017

Natural Resources:

The Fish and Game Commission (Commission) met this week and considered a couple of items of interest to Farm Bureau members. Friday Review readers will remember that the Tricolored blackbird is currently listed as a candidate under the California Endangered Species Act (CESA). As a candidate, it receives the full protection of CESA, meaning take is prohibited. However, while it is a candidate, the Commission has the authority to adopt a regulation that allows incidental taking in certain situations. CFBF petitioned the Commission to adopt a regulation allowing for incidental take on farms that agree to protect nesting colonies of Tricolors by delaying the harvest of their fields. This protects farmers who agree to protect the species from liability associated with incidental take while the birds are nesting. The Commission voted unanimously to adopt a regulation that will be in place during the 2017 nesting season, which could begin as early as the end of February.

The Commission also considered adopting the findings for its decision to list the Northern Spotted Owl (NSO) under CESA. When the Commission voted to list the NSO under CESA, Commissioners mentioned their desire to not have the listing harm foresters and timber harvest operations. They even asked whether they could exempt timber harvest from the prohibitions of CESA. Ultimately, they decided that they would incorporate recognition of the habitat value that working forests provide to the NSO in the findings they would adopt. Unfortunately, the draft findings did not fully capture this sentiment. CFBF, the California Forestry Association, and Forest Landowners of California all requested that additional statements recognizing the value of working forests be incorporated into the findings. The Commission agreed to revise the findings and adopt them at a later date.

Water:

AB 68 (Devon Mathis, R-Porterville) was recently introduced and amended to require a new school built on or after January 1st next year and located within 2 miles of an operating farm to obtain its water from a public water system. It initially would have also prohibited a new school from being located within 2 miles of an operating farm. Farm Bureau is discussing the measure with the author.

AB 313 (Adam Gray, D-Merced) would transfer water rights authorities from the State Water Resources Control Board to the Department of Water Resources. It would also establish a division of water rights within the Office of Administrative Hearings. Complaints against persons violating provisions of their water diversions would be heard by an administrative law judge in OAH, however

decisions would not be final until accepted by the director of the Department of Water Resources. The measure would also require the department to base the water rights fee schedule on a 2-year average of actual diversion amounts for each individual water right. Additionally, the water board's responsibility to prevent waste and unreasonable use would be transferred to the department. Water board authority to develop interim groundwater management plans for probationary groundwater basins would also be transferred to the department. Finally, AB 313 would establish a 9-member State Water Project Commission to have authority over the State Water Project, currently under department authority. Farm Bureau is discussing the measure with the author.

SB 252 (Bill Dodd, D-Napa) would require new well permit applicants in critically over drafted groundwater basins to provide information about their application to their neighbors. It would require cities and counties overlying critically over drafted basins to publicly notice new well permit applications. Farm Bureau is working with the author to address concerns.

SCA 4 (Bob Hertzberg, D-Los Angeles) would insure everyone has access to affordable water. It would declare the intent of the Legislature to amend the California Constitution to provide a program that would ensure that affordable water is available to all Californians and to ensure that water conservation is given a permanent role in California. Farm Bureau will be meeting with the author to discuss this recently introduced measure.