



# In Brief

A MONTHLY NEWSLETTER FROM  
THE LEGAL ADVOCACY DIVISION OF  
CALIFORNIA FARM BUREAU

JANUARY 2025

## CALL 811 BEFORE DIGGING AND PREPARING FIELDS



To ensure that you remain safe when doing any digging projects, always call 811 first.

811 is a free service managed by Underground Service Alert (USA) and available to everyone. After calling, USA will contact electric, gas, oil, telecommunications, etc. companies that have underground lines in your area. Representatives will then mark the location of their underground lines so you can avoid them and dig safely. Whether you are planting an orchard or preparing fields for plating, or digging holes for fence posts, calling 811 at least two business days before you plan to start your project is required. Additional information can be found at <https://www.california811.org/> or the website for the Underground Safety Board, which oversees the program and violations of the requirements. <https://energysafety.ca.gov/who-we-are/undergroundssafetyboard/>

Staff Contact: Karen Norene Mills at [kmills@cfbf.com](mailto:kmills@cfbf.com) or 916-715-7912

## TRAININGS AVAILABLE FOR COUNTY FB DIRECTORS

The CAFB Legal Advocacy Division has developed a suite of training programs for directors of county Farm Bureaus. On Microsoft PowerPoint® slide decks, the four programs are available for presentation to the board of directors of every county Farm Bureau in California. The programs cover:

county Farm Bureau governance; common “mythconceptions” about county Farm Bureau governance; financial oversight for county Farm Bureau directors; and county Farm Bureau membership eligibility, classes, and types. For a copy of any or all of these slide decks or to arrange for a training presentation, please email or call the staff contact named below.

*Staff Contact: Carl Borden at [cborden@cbbf.com](mailto:cborden@cbbf.com) or 916-561-5659*

## CAFB COMMENTS ON STATE WATER BOARD'S DRAFT ORDER REVISING CENTRAL VALLEY DAIRY ORDER



On October 1, 2024, the State Water Resources Control Board released a draft order revising the Central Valley Regional Water Quality Control Board's existing dairy order. The draft order creates a new regulatory framework for nitrogen discharges and makes certain components precedential for dairies statewide. On December 20, 2024, CAFB Legal and Dairy Cares submitted substantial legal and policy comments on the draft order.

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## COMPLIANCE WITH IRRIGATED LANDS REGULATORY PROGRAM REQUIREMENTS: IRRIGATION AND NITROGEN MANAGEMENT TRAINING PROGRAM FOR SELF-CERTIFICATION

The California Department of Food and Agriculture's Irrigation and Nitrogen Management Training Program allows growers to self-certify Irrigation and Nitrogen Management Plan (INMP) Worksheets for their operation as required by various regional water board irrigated lands regulatory programs. Self-certification must be renewed every 3 years. The chart below lists upcoming certification expirations. For more information, click [here](#).

## WHEN DOES MY ELIGIBILITY TO SELF-CERTIFY EXPIRE?

Training Completion Date	Expiration Date
January 1, 2022 – June 30, 2022	July 1, 2025
July 1, 2022 – December 31, 2022	December 31, 2025
January 1, 2023 – June 30, 2023	July 1, 2026
July 1, 2023 – December 31, 2023	December 31, 2026
January 1, 2024 – June 30, 2024	July 1, 2027
July 1, 2024 – December 31, 2024	December 31, 2027

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## PROPOSED DECISION IN PACIFICORP GRC TRACK 2



On January 9, 2025, a Proposed Decision (PD) was filed regarding the remaining Track 2 issues concerning a number of wildfire memorandum accounts in the PacifiCorp General Rate Case (GRC). The PD found the audit of PacifiCorp's Wildfire Mitigation Memorandum Accounts (WMMAs) was sufficient enough to collect the balance of \$36.4 million subject to amortization over a period of years. CAFB did win on its rebuttal of the position of the Public Advocates Office of how the costs should be allocated, which would have resulted in an additional \$33,000 being allocated to agricultural customers per year. CAFB also prevented PacifiCorp from collecting interest from July 7, 2023, to January 26, 2024 on the WMMA balances. CAFB will file comments on the PD on January 29, 2025.

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## CAFB FILES OPENING TESTIMONY IN EDISON GRC PHASE 2

On January 18, 2025, CAFB filed its opening testimony in the Southern California Edison (Edison) 2025 General Rate Case (GRC) Phase 2, that considers allocation of costs to customer groups and the design of rate schedules. Under Edison's amended testimony, the TOU-PA-2 customers would receive a 6.7% decrease in current rates while the TOU-PA-3 customers would receive a 10%

increase, which results in a class average increase of 0.4%. There were additional agricultural specific rate design changes as well including a 33.8% increase to the TOU-PA-3 monthly customer charge. CAFB's opening testimony focused on opposing the Public Advocates Office position on wildfire cost allocation as well as changes to Edison's calculation of Peak Load Risk Factors. In addition, CAFB noted the variance in impacts to TOU-PA-2 and TOU-PA-3 would need to be rectified including rejecting the proposed TOU-PA-3 monthly customer charge increase. Finally, CAFB proposed a well pump test credit modeled after the existing wind machine credit to provide some relief from demand charges in non-irrigating months when pump upgrades are planned or when flow testing is required under the Sustainable Groundwater Management Act. Parties began settlement discussions on January 16, 2025, and will continue for the next two months in hopes of reaching partial or full settlements.

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## HOURLY FLEX PRICING FOR AGRICULTURE OPTION OFFERED FOR PG&E CUSTOMERS



Hourly Flex Pricing is a three-year pilot that offers a risk-free way to lower energy costs and receive funding for automation technology. With Hourly Flex Pricing, electricity prices are the same or lower than comparable rate plans for most of the year. However, during certain times, prices are likely to be higher due to demand on the grid. During the pilot customers will not pay more on Hourly Flex Pricing than they would have on your current rate plan. While on the pilot, customers will receive their regular monthly PG&E energy statement and a supplemental Hourly Flex Pricing statement that tracks performance. After 12 months, if a customer performed better in total on Hourly Flex Pricing than on the current rate plan, a credit would be applied for the difference.

Incentives also include receiving a one-time reimbursement for automation technology purchased to manage your energy use during the pilot. The reimbursement level is \$160/kW (approximately \$120/HP) of enrolled customer controllable load, capped at 100% of your costs. The pilot ends December 31, 2027. At that time, customers will remain on their current rate plan. While customers are encouraged to stay on for the duration of the risk-free pilot, they can end participation at any time.

The risk-free nature of the program and the upgrade incentives for those that may already be contemplating greater automation may be a great benefit. More information is available at [pge.com/hfp](http://pge.com/hfp) or through an account representative.

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# COMMENTS ON PROPOSED WATER BOARD “PHASE 2” SACRAMENTO RIVER WATERSHED BAY-DELTA WATER QUALITY CONTROL PLAN AMENDMENTS



CAFB submitted comments on the State Water Resources Control Board’s draft “Phase 2” Sacramento-San Joaquin River Bay-Delta water quality control plan amendments. The Board’s “Phase 2” amendments consider two basic alternatives for required instream flows to protect native fish in the Sacramento River Watershed and Delta. One is a “regulatory pathway” and potential “regulatory backstop,” based on a proposed 45 to 65-percent, January through June “unimpaired flow” requirement. The other is a comprehensive water user-backed mix of flow and non-flow commitments, within a certain “adaptive implementation” framework, referred to as the “Healthy Rivers and Landscape” proposal.

CAFB’s comments focused on potential severe water supply and economic impacts and on various technical and practical difficulties associated with the Board’s “regulatory pathway” proposal. The comments also focused on various comparative advantages of the proposed “Healthy Rivers and Landscapes” proposal. How to deal with parties not part of the current “Healthy Rivers and Landscapes” “voluntary agreement” proposed and water quality and other unique concerns in the Sacramento-San Joaquin River Delta were additional areas of focus. Based on public input and ongoing work and discussions, the Board is expected to consider a revised set of amendments for potential adoption sometime in 2025.

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## COMMENTS ON PROPOSED RENEWAL OF SCOTT AND SHASTA RIVER EMERGENCY DROUGHT REGULATIONS

CAFB submitted comments on a State Water Resources Control Board proposal to renew a set of standing drought emergency regulations for the Scott and Shasta Rivers (within the larger Klamath River Basin). Among other points, CAFB’s comments focused on the absence of requisite drought conditions for such an extension and included points on the proposed regulation’s continued misguided focus on late summer mainstem minimum flows that provide few benefits to target salmon

populations while, at the same time, inflicting significant ongoing impacts on Scott and Shasta River growers and ranchers. The present emergency drought regulations are proposed as a placeholder until the Board is able to complete non-emergency regulations for permanent “baseline minimum flows” across all water year types.

A longer-term proposal and the subject of a pending petition by tribal and environmental interests in the area involves eventual permanent, higher, variable “recovery” flows specific to different water year types. Local cooperative solutions under the proposed emergency regulation are a key alternative and source of important flexibility for agricultural water users in these watersheds. Those solutions would avoid some of the worst impacts of the Board’s default flow requirements from widespread curtailments that otherwise control. Problematic aspects of the Board’s emergency and proposed permanent flow regulations in the Scott and Shasta Watersheds are of significant note, as they set a disturbing precedent and could have potential adverse statewide implications.

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## COMMENTS ON PROPOSED MILL, DEER, AND ANTELOPE CREEK SCIENTIFIC BASIS REPORT



CAFB submitted comments on an upcoming “scientific basis report” the Water Board says it will use to eventually consider potential permanent instream flows to provide alleged protections to listed spring-run chinook and steelhead salmon on Mill, Deer, and Antelope Creek, three undammed salmon-bearing Upper Sacramento River tributaries. These proposed permanent flows parallel and, in several respects, resemble the permanent long-term flows proposed by the Board in the Scott and Shasta River Watershed, on which CAFB also submitted recent public comments. (See separate related item above.) Analyses show that the California Fish and Wildlife Department recommended flows, currently proposed as a point of departure for the Board’s eventual “scientific basis report,” would leave these waterbodies entirely without water for late-summer irrigation in many years and could still not be physically met, even with theoretical 100-percent curtailments. CAFB’s comments focus on this aspect of the Board’s proposed “scientific basis report,” among other related issues, including the Board’s legal authority to impose such flows.

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