



The Cotton Chronicle

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Industry Calendar

May 10, 2023
Annual Meeting
Tulare

June 8, 2023
Board Meeting
Fresno

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Central Valley Irrigated Lands Program Scores Big Win in Court

Last month, the Third District Court of Appeals ruled in favor of agricultural stakeholders, water quality coalitions and the State Water Board (Water Board) administering the Irrigated Lands Regulatory Program (ILRP) against a challenge by environmental justice advocates. Three separate cases were filed by environmental organizations challenging various aspects of the East San Joaquin's waste discharge requirements (WDR's) for growers. The East San Joaquin Order (ESO) plan has been expanded beyond just that region, and the rule is applied throughout the Central Valley Regional Water Board's territory. The challenge to the ESO centered primarily on the anonymization of grower specific data in reports submitted directly to the Water Board. Environmental organizations wanted grower information, yearly field inputs and yields to be made public for review. The Court ruled that the... "State Water Board ... could and should strike an appropriate balance between transparency, on one hand, and confidentiality on the other." Additional challenges struck down by the Court included challenges to current methods of determining success in cleaning up groundwater through the ILRP program, and that the ILRP program inadequately describes management practices for surface and groundwater quality plans. The Court ruling upholds the representative monitoring programs for receiving waters as opposed to EJ community's proposal of the use of end-of-field monitoring, as well as the State Board's compliance determination process for the Antidegradation Policy. "Overall, the Court's decision supports the Water Boards' need to create a reasonable ILRP that balances the need to ensure a reliable food supply and preserving the economic viability of agriculture against the need to protect the waters of the

state," says Tess Dunham, lawyer and water quality expert with Kahn, Soares and Conway. This decision is groundbreaking for water policy in California. In comparison, the Central Coast Regional Board administers an ILRP program which publicizes grower specific data, and incorporates various other environmental community requests in efforts to achieve the same goal of cleaning up groundwater. It is unknown if the recent court decision will be brought before the California Supreme Court. Stay tuned for more updates!

Feds Increase Water Deliveries to 80%!

The **Bureau of Reclamation** announced an increase in Central Valley Project 2023 water supply allocations. After below average precipitation in February, Reclamation announced a conservative initial water supply allocation for the CVP on Feb. 22. Additional atmospheric river systems have since boosted hydrological conditions and storage volumes, allowing for a more robust water supply allocation. Since making initial allocations last month, Shasta Reservoir, the cornerstone of the Central Valley Project, has increased from 59% to 81%, and San Luis Reservoir, the largest reservoir south-of-Delta, from 64% to 97%. Record-breaking snowpack conditions currently exist in the Southern Sierra coupled with significant snowpack in the Central Sierra and Northern Sierra/Trinity. Based on current hydrology and forecasting, Reclamation is announcing the following increases to CVP water supply allocations:



North-of-Delta Contractors

- Irrigation water service and repayment contractors north-of-Delta are increased to 80% from 35% of their contract total.
- Municipal and industrial water service and repayment contractors north-of-Delta are increased to 100% from 75% of their historic use.

South-of-Delta Contractors

- Irrigation water service and repayment contractors south-of-Delta are increased to 80% from 35% of their contract total.
- M&I water service and repayment contractors south-of-Delta are increased to 100% from 75% of their historical use.

Friant Division Contractors

- Friant Division contractors' water supply is delivered from Millerton Reservoir on the upper San Joaquin River and categorized by Class 1 and Class 2. The first 800,000 acre-feet of available water supply is considered Class 1; Class 2 is considered the next amount of available water supply up to 1.4 million acre-feet. Class 1 remains at 100% and Class 2 was previously increased from 20% to 70% on March 7.

Association Leads Discussion With Legislators on Need for FARMER Funding

Following a very successful and well attended Ag Equipment Showcase held by the San Joaquin Valley Air Pollution Control District, the Association led a discussion with several legislators and legislative staff on the need for FARMER funding to be reinstated in this year's budget. **Association President/CEO Roger Isom** kicked off the important discussion and was followed by **Senator Anna Caballero** (14th Senate District) and **Assemblyman Jim Patterson** (8th Assembly District) who both expressed their support for the very important funding. **Samir Sheikh, Air Pollution Control Officer** for the San Joaquin Valley Air Pollution Control District, spoke to the importance of the funding and the critical role

the emissions reductions mean to the Air District achieving its goals without further regulation. Sheikh also reinforced the fact the California Air Resources Board (CARB) will be writing and implementing a man-

datory replacement rule for tractors and harvesters if the goal of 11 tons of NOx reductions isn't met by the end of this year. In addition to Senator Caballero and Assemblyman Patterson, staff from the offices of **Senator Shannon Grove, Senator Melissa Hurtado, Assemblyman Devon Mathis** and **US Senator Dianne Feinstein** were at the meeting. Joining the Association were representatives from the Nisei Farmers League, Fresno County Farm Bureau and Milk Producers Council. This issue remains a priority for the Association as it works to stave off the mandatory replacement of all Tier 0, 1 and 2 tractors by 2030.

State Increases Water Allocation for State Water Project

The Department of Water Resources (DWR) today announced a significant boost in the forecasted State Water Project (SWP) deliveries this year due to continued winter storms in March and a massive Sierra snowpack. DWR now expects to deliver 75 percent of requested water supplies, up from 35 percent announced in February. The increase translates to an additional 1.7 million acre-feet of water for the 29 public water agencies that serve 27 million Californians. Consistent storms in late February and March have built up the Sierra snowpack to more than double the amount that California typically sees this time of year. Rainfall has also allowed for robust flows through the system, providing adequate water supply for the environment and endangered fish species while allowing the SWP to pump the maximum amount of water allowed under state and federal permits into reservoir storage south of the Sacramento-San Joaquin Delta. Further adjustments to the forecasted allocation are likely following the milestone April snow survey measurements. April 1 is traditionally when California's snowpack peaks and starts to melt. DWR is planning to host its April snow survey on Monday, April 3, at Phillips Station, weather conditions permitting.

AECA Hammers PG&E Over Energy Rates for Agriculture

Many of California's farmers and rural residents are paying triple the national average for energy rates. Recent spikes at the gas pumps and on natural gas bills are in the spotlight as the Legislature kicks off a new session and explores policy options for reining in the costs. Fending off a reputation for skyrocketing rates and for igniting catastrophic wildfires, Pacific Gas & Electric was on defense last week during an oversight hearing on energy affordability for the Assembly Utilities and Energy Committee. **Michael Boccadoro**, Executive Director of the **Agricultural Energy Consumers Association (AECA)**, ran through a litany of complaints with the investor-owned utility that he racked up during his 30 years of lobbying on energy costs. "If they're doing all these efforts



to reduce costs, why are they proposing to increase rates in 2023 alone by 36%—to 9.1 cents a kilowatt hour?” asked Boccadoro, as he chastised PG&E for proposing increases through at least 2026. “It’s a massive rate increase and it’s just the beginning.” He



predicted rates for consumers and businesses will rise to four times the national average by 2030, far outpacing PG&E’s promise to maintain them at or below the level of inflation. Boccadoro said the high rates put his farmers “at a huge competitive disadvantage to farming operations in other parts of the country.” He pushed lawmakers to find ways to shift costs out of the rate base to the companies for shouldering investments in undergrounding power lines for wildfire hardening while also planning for a surge in demand from electric vehicles and a major transition to renewable energy. “If you don’t have skin in the game, you’re not really truly concerned,” he said. “Shareholder interests always take precedence over ratepayer interests with the investor-owned utilities.” Association President/CEO Roger Isom is the President of the Board for AECA, and Association Assistant Vice President Priscilla Rodriguez sits on the Board of AECA.

State Shoots Down Six Groundwater Plans

This past month, the California Department of Water Resources (DWR) released decisions on revised groundwater sustainability plans (GSPs) submitted by local groundwater sustainability agencies (GSAs) in 12 critically overdrafted basins located in the Central Coast and the San Joaquin Valley, to meet the requirements of the Sustainable Groundwater Management Act (SGMA). Of the 12 basins, DWR issued Inadequate determinations to six basins and notification letters to the remaining six basins that their GSPs are recommended to be Approved with Recommended Corrective Actions. In its technical review of the revised GSPs, the Department found sufficient action has not been taken to address one or more deficiencies in the six Inadequate subbasins, which include: Chowchilla Subbasin, Delta-Mendota Subbasin, Kaweah Subbasin, Kern County Subbasin, Tulare Lake Subbasin, and Tule Subbasin. The determinations can be found on the Department’s [SGMA Portal](#). The six Inadequate subbasins are now under State intervention, overseen by the State Water Resources Control Board under SGMA. Additionally, the Department notified six basins of

Department staff’s recommendation to Approve their GSPs with Recommended Corrective Actions. Those six basins are as follows: Cuyama Basin, Eastern San Joaquin Subbasin, Merced Subbasin, Kings Subbasin, Paso Robles Area Subbasin, and Westside Subbasin.

Dept. Of Interior Announces Nearly \$585 Million to Repair Aging Water Infrastructure, Advance Drought Resilience

The US Department of the Interior announced a nearly \$585 million investment from President Biden’s Bipartisan Infrastructure Law for infrastructure repairs on water delivery systems throughout the West. Funding will go to 83 projects in 11 states to improve water conveyance and storage, increase safety, improve hydro power generation and provide water treatment. The projects selected for funding are found in all the major river basins and regions where Reclamation operates. Among the 83 projects selected for funding are efforts to increase canal capacity, provide water treatment for Tribes, replace equipment for hydropower production and provide necessary maintenance to aging project buildings. Projects will be funded in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, and Washington. The projects identified for California’s Central Valley Project includes:

Central Valley Project -

- \$25 million for the Jones Pumping Plant Excitation Cabinet and Control Panel Refurbishment
- \$25 million for the Delta Mendota Canal Subsidence Correction Project
- \$22.2 million for the Friant Kern Canal Capacity Correction
- \$42.53 million for the San Luis Unit – Gianelli Pump-Generating Plan Unit 8 Motor Generator, Turbine and Butterfly Valve Replacement
- \$10 million for Nimbus Fish Hatchery Nursery Phase IV Modernization
- \$14.74 million for Shasta Dam Refurbishment Tube Valves
- \$10 million for Shasta Dam Temperature Control Device
- \$42.25 million for Trinity Division, Spring Creek Power Transformer Replacement
- \$65.9 million for Trinity River Fish Hatchery Building Modernization

CCGGA testifies during Proposed ZEV Forklift Regulation Hearing

The California Air Resources Board held its final hearing for the proposed ZEV Forklift Regulation before expecting to

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go before the board in September this year for consideration. The Association's Vice President Priscilla Rodriguez testified during the virtual hearing along with many other groups both for and against the regulation.

"The current state's infrastructure is ill prepared to

take on the expected demand of the conversion of propane forklift to ZEV forklifts. Not only is the state's infrastructure not prepared for the increased load on the system, it currently severely lacks the ability to meet today's needs," said Rodriguez. She provided an example of a simple ag shop waiting to be connected to service and has been waiting six years since the initial application and yet still no service.

"Without a resolution to the infrastructure, this is a plan for disaster when facilities are relying solely on a system that is inadequate and additional consideration needs to be given to the proposed maximum 5-year delay extension". Surprisingly, a representative for Southern California Edison (SCE) supported the need for additional time than the 5-year delay extension, stating there are instances where it may take more than 5 years for upgrades to provide/connect service

in certain areas. The Association will continue to engage with CARB on the proposed rule and will be submitting written comments. Stay tuned for more.

CalOSHA Formally Proposes "Indoor Heat Illness Regulation"

The CalOSHA Standards Board has released notice the plan to hear the new Section 3396 – Heat Illness Prevention in Indoor Places of Employment.

This new regulation would affect all indoor work areas where the temperature equals or exceeds 82 °F when employees are present. In these areas the employer must provide a mandatory "cool down area" that is less than 82 °F. In addition the employer must monitor the temperature and heat index at all times. Further, the employer must provide engineering controls to bring temperatures down to 87 °F. Employers will also have to develop and implement emergency response procedures, employee training, supervisor training and have a written Heat Illness Prevention Plan (HIPP). The proposed standard is set to be heard by the Standards Board in May. The Association is opposing the proposed standard as currently written.

