



County of Monterey

Item No.

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

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Receive a status update report in response to **Board Referral No. 2022.07** for the creation of an agricultural and livestock pass for the County of Monterey.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Receive an updated response to **Board Referral No. 2022.07** which directs the Agricultural Commissioner's Office to create an agricultural and livestock pass for the County of Monterey to provide a uniform way to identify vetted commercial agricultural operators to emergency personnel and/or law enforcement officers and allow limited emergency access to respective agricultural properties during a wildfire or similar disaster or emergency; and
- b. Provide further direction, as appropriate.

SUMMARY/DISCUSSION:

Background:

Board Referral No. 2022-07, for the creation of an agricultural and livestock pass in Monterey County was assigned to the Agricultural Commissioner in April 2022. See **Attachment 1** for Board Referral (Lopez). On May 3, 2022, staff provided a preliminary analysis report to the Board on the feasibility of an agricultural and livestock pass. See **Attachment 2** for preliminary analysis report for May 3, 2022, Board of Supervisors meeting. At the conclusion of the May presentation, the Board directed staff to proceed with the creation of the Ag Pass Program and include vineyard operations to the eligible list of participants. See **Attachment 3** for Board Order of the May 3, 2022 Board meeting.

An agricultural and livestock pass program or Ag Pass provides a uniform way to identify vetted commercial agricultural operations and their operators to firefighting personnel, California Highway Patrol officers, Sheriff deputies, other law enforcement officers and other emergency personnel. Possession of an Ag Pass during a wildfire or similar disaster and/or emergency allows the agriculturalist limited emergency access to areas that may otherwise be restricted to protect or care for agricultural assets, such as to protect or care for animals or crucial agricultural equipment and provide support information to first responders, such as but not limited to, identifying access roads and water points. An Ag Pass does not guarantee the Ag Pass holder be allowed entry to their agricultural site. If there is imminent danger, front-line emergency personnel may prohibit the access. Furthermore, Ag Pass holders will be required to waive liability exposure to property damage/loss, injury, or death as part of their Ag Pass application requirements.

Status Update:

The Agricultural Commissioner's Office is in the process of finalizing the Ag Pass Program and anticipates the completion of such program by early 2023. The Ag Pass Program would allow for an AG Pass to be applied for and distributed to eligible agriculturalists before a disaster. The application process is designed to confirm that the cardholder works in a bona fide commercial agricultural operation and whose services are essential to providing protection or care to agricultural assets. Before the Ag Pass is provided, the Ag Pass applicants must complete a mandatory in-person fire training with a designated fire agency.

Program Development Outreach and Meetings:

- *Ag Pass Counties.* Staff surveyed several Ag Pass counties on their Ag Pass Program to gain understanding of their process including, eligibility requirements, mandatory fire training, renewal, specific budget and/or application and/or fire training fees. Staff learned that all the counties surveyed do not require an application fee nor a fire training fee and that their budget for the program is nominal, having one to two Agricultural Commissioner's staff review applications and use existing computer software programs for Ag Pass files. The majority of these Ag Pass counties also provided the "approved" Ag Pass document form is sent electronically to the Ag Pass holders for their printing. The Ag Pass holders are to show the approved Ag Pass document along with a government-issued ID at the roadblocks to the first responders. The few Ag Pass counties surveyed that do issue an Ag Pass photo ID card coordinate with their respective Office of Emergency Services to issue the Ag Pass card since the Office of Emergency Services is equipped with the card maker device. Staff also learned that the Ag Pass counties differ in their eligibility requirements, mostly dependent on the type of agriculture that exists in the respective County. For example, in Butte County, an Ag Pass is for commercial cattle operations and apiaries only. In Santa Barbara, the Ag Pass is for all types of commercial agricultural operations and agricultural research or instruction by an educational institution and must be located in a State Responsibility Area or SRA, which the State of California has primary financial responsibility for the prevention and suppression of wildland fires.
- *Partnerships and Consultations:* The development of the Ag Pass Program requires the partnership and consultation from County-based and regional agencies as well as industry consultation. The following meetings have been held to solicit feedback on the development of the Ag Pass Program:
 - On June 22, 2022, the Monterey County Agricultural Commissioner's Office facilitated an Ag Pass Program Development Meeting with the following agencies and industry representatives: Mo. Co. Sheriff's Office, the Monterey County Regional Fire Protection District, CalFire, Mo. Co. Office of Emergency Services, Mo. Co. Animal Services, Mo. Co. Office of the County Counsel and Risk Management, Mo. Co. CAOs, Mo. Co. District 3 Office, Representatives from Mo. Co. Cattlemen's Association, Mo. Co. Farm Bureau, Mo. Co. Vintners and Growers Association, and SPCA for Monterey County.
 - On September 27, 2022, the Monterey County Agricultural Commissioner's Office facilitated a meeting for follow up discussion with representatives from the Mo. Co.

Sheriff's Office, the Monterey County Regional Fire Protection District, and CalFire.

Conclusion- Based on staff's research, including consultation with other Ag Pass counties and in partnership and consultation with the above-mentioned entities, staff proposes the following as the eligibility requirements for a Monterey County Ag Pass:

- Property must be located in the State Responsibility Areas (SRA) of Monterey County; and
- The operation must be a commercial agricultural operation - (see below for *Eligibility Documentation*); and
- The applicant is the owner/operator and/or an approved key personnel of the operation that has a working knowledge of the agricultural property, including access to irrigation systems, farm equipment, and other essential infrastructure; and
- The applicant must sign a waiver and release of liability for the County; and
- The applicant must complete a fire training course as prescribed in the application packet and submit proof of course completion to the Monterey County Agricultural Commissioner's Office.

Additional Ag Pass Program recommendations:

- For initial roll-out, no more than three (3) individuals from any commercial agricultural operation.
- Ag Pass valid for up to two (2) years, with annual renewal after the two (2) initial years.
- No application fee. It is anticipated following the inception of the program, a cost analysis will be conducted to determine ongoing annual cost and the need to identify additional funding sources, such as an application fee.

Eligibility Documentation: Eligibility of commercial agricultural operation or educational institution conducting agricultural research will be confirmed by one or more of the following:

- Redacted tax forms or other business documentation (LLC/partnership/incorporation)
- Issued Operator ID
- Restricted Materials Pesticide Permit
- Certified Producer Certificate
- California State Organic Program Registration
- California Department of Agriculture Livestock Identification Number
- Industry Association Letter
- USDA Documentation for Commercial Livestock Producer
- USDA Farm Services Agency Farm Number
- Brand # and/or Brand Certification Documentation
- USDA Documentation for Commercial Livestock Producer
- Agricultural Lease or Williamson Act Documentation
- Proof of planning use permit or similar entitlement for a permitted commercial agricultural operation

Next steps: Staff is currently working on finalizing the application material forms, data software, and coordinating one final meeting with the Ag Pass partners and consultation group described in this report to explain the Ag Pass Program in its completion and solicit final feedback. Once this is

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accomplished, staff will come back before the Board of Supervisors in early 2023 for final consideration.

OTHER AGENCY INVOLVEMENT:

Program development in consultation with the following agencies and entities: Mo. Co. Sheriff's Office, the Monterey County Regional Fire Protection District, CalFire, Mo. Co. Office of Emergency Services, Mo. Co. Animal Services, Mo. Co. Office of the County Counsel and Risk Management, Mo. Co. CAOs, Mo. Co. District 3 Office, Representatives from Mo. Co. Cattlemen's Association, Mo. Co. Farm Bureau, Mo. Co. Vintners and Growers Association, and SPCA for Monterey County.

FINANCING:

Acceptance of this report has no fiscal impact. For the Ag Pass Program, the initial cost of the Program will be incorporated into the existing department budget. It is anticipated following the inception of the program, a cost analysis will be conducted to determine ongoing annual cost and the need to identify additional funding sources.


BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Mark a check to the related Board of Supervisors Strategic Initiatives

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

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Approved by:

DocuSigned by:

Date: 10/11/2022 | 1:56 PM PDT

Henry S. Gonzales, Agricultural Commissioner, 759-7301

Attachments:

- Board Report
- Attachment 1
- Attachment 2
- Attachment 3