

*Before the Board of Supervisors
County of Monterey, State of California*

Resolution No. 23-130

- Resolution of the Monterey County Board)
- of Supervisors to:)
- a. Find that the approval of the AG Pass)
- Program is categorically exempt pursuant)
- to the California Environmental Quality)
- Act (CEQA) – CEQA Guidelines)
- California Code of Regulations (CCR))
- Section 15307 Class 7 - actions by)
- regulatory agencies as authorized by State)
- law for the protection of natural resources)
- and CCR Section 15308 Class 8 – actions)
- by regulatory agencies for the protection)
- of the environment.)
- b. Approve the Monterey County AG)
- Pass Program subject to eligibility)
- requirements and other terms described in)
- the staff report; and)
- c. Authorize the Agricultural)
- Commissioner’s Office as the)
- Administrator of the AG Pass Program.)

WHEREAS, Board Referral No. 2022.07 to determine feasibility of an agricultural and livestock pass (AG Pass) in Monterey County was assigned to the Monterey County Agricultural Commissioner’s Office by Supervisor Christopher M. Lopez in April of 2022; and,

WHEREAS, *AB1103- Agricultural lands: livestock producers: managerial employees: livestock pass program: disaster access to ranch lands* is a recently signed assembly bill that establishes a voluntary statewide framework for county “Livestock Pass” programs, granting ranchers and their managers limited emergency ranch access during wildfires and other emergencies to safely care for and evacuate livestock; the bill enables ranchers to assist emergency responders by providing them local knowledge and expertise of ranch land; the bill requires CalFire to establish a statewide training program for Livestock Pass holders to educate the pass holders on basic fire behavior, communications during a disaster emergency, incident command structure with the understanding that possession of an AG Pass does not guarantee that the AG Pass holder will be allowed entry to their agricultural site if imminent danger exists; and,

WHEREAS, AB1103 was written in response to California’s wildfires and the impacts to agricultural lands and supported by the California Cattlemen’s Association. AB1103 identified that when disasters, such as unprecedented wildfires threaten communities, agriculture is typically underserved because orchards, livestock, and crops are not high-priority items for firefighters as their focus is on lives and residential structures. Increased residential development in the wildland-urban interface has placed more residents in the potential path of destruction.

This leaves a gap in the protection of important agricultural resources which may result in agricultural operations being left to fend for themselves, even though farm fields may create buffer zones that reduce wildfire impacts in surrounding areas; and,

WHEREAS, AB1103 was also supported by the Wine Institute because fires impact vineyards and wineries alike and AG Pass Programs require training for AG Pass holders on fire behavior to enable AG Pass holders to recognize fire behavior and implement reasonable fire safety precautions and protocols to protect livestock and agricultural assets; and,

WHEREAS, AB1103 is not intended to allow employees of farms and ranches to work inside evacuation zones such as to perform harvesting activities and such information is documented in the assembly bill's summary; and,

WHEREAS, the approval of the AG Pass Program is categorically exempt pursuant to the California Environmental Quality Act (CEQA) – CEQA Guidelines California Code of Regulations (CCR) Section 15307 Class 7 - actions by regulatory agencies as authorized by State law for the protection of natural resources and CCR Section 15308 Class 8 – actions by regulatory agencies for the protection of the environment; and,

WHEREAS, the University of California, Agriculture and Natural Resources (UCANR) Publication 8685, December 2020, *Preparing for Disaster: Establishing an Ag Pass Program in Your Community*, analyzed how farm fields act as buffer zones that reduce wildfire impacts in surrounding areas and puts forth the framework for an AG Pass Program. UCANR Publication 8685 establishes the framework for an AG Pass Program which includes partnerships among multiple county-based agencies, such as the County Agricultural Commissioner's Office, county-based Farm Bureau, regional and county fire safe councils, the University of California Cooperative Extension (UCCE), Cattlemen's Association, County Office of Emergency Services, Sheriff's Office, California Highway Patrol (CHP) and other agricultural industries. The UCANR Publication recommends working through the eligibility criteria with these partnership agencies and recommends that one of these agencies assumes the leadership role of the administration of the program; and,

WHEREAS, the Agricultural Commissioner's Office assumed the lead as AG Pass Program Administrator. The Agricultural Commissioner's Office surveyed California counties that have adopted an 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; and,

WHEREAS, the Agricultural Commissioner's Office convened meetings with County Departments, public agencies, County-based and regional agencies, agricultural industry representatives and local entities to solicit feedback on the development of the County's AG Pass Program which included representatives from the Monterey County Sheriff's Office, the Monterey County Regional Fire Protection District, CalFire, Office of Emergency Services, Animal Services, Office of the County Counsel-Risk Management, County Administrative Office, Supervisorial District 3 Office, the Monterey County Cattlemen's Association, Monterey County Farm Bureau, Monterey County Vintners and Growers Association, and the Society for the Prevention of Cruelty to Animals (SPCA) Monterey County. In addition, in response to this Board Referral, Agricultural Commissioner's Office staff provided updates on the development

of the AG Pass Program to the Board of Supervisors on May 3, 2022 and October 25, 2022; and,

WHEREAS, based on research, including consultation with other AG Pass counties and in partnership and consultation with the above-mentioned County Departments, public agencies, industry representatives and other entities, the following are the eligibility requirements for the Monterey County AG Pass Program:

- The property must be located in the State Responsibility Areas (SRA) of the County of Monterey; and
- The operation must be a commercial agricultural operation; or
- The entity is conducting agricultural research or instruction by an Educational Institution; 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 owner and all AG Pass applicants must sign a waiver and release of liability for the County; and
- The AG Pass applicant must complete a fire training course as prescribed in the application packet; and,

WHEREAS, 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; and,

WHEREAS, each Monterey County AG Pass Application would be limited to three (3) individuals from any commercial agricultural operation. The AG Pass card will be valid for two (2) years, with renewal after the two (2) initial years, and if applicable, subject to payment of any recommended application processing fee; and,

WHEREAS, the Monterey County AG Pass is not intended to allow employees of farms and ranches to work inside evacuation zones such as to perform harvesting activities. The intent of the AG Pass is to provides a uniform way to identify vetted commercial agricultural operations and their operators to firefighting personnel, California Highway Patrol officers, Monterey County Sheriff's Office deputies, law enforcement officers and 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 to provide support information to first responders, such as but not limited to, identifying access roads and water points. An AG Pass does not guarantee that the AG Pass holder be allowed entry to their agricultural site. If there is imminent danger, front-line emergency personnel may prohibit access; **NOW, THEREFORE,**

DECISION

BE IT RESOLVED, by the Board of Supervisors in and for the County of Monterey as follows:

- a. The above recitals are true and correct.
- b. The approval of the AG Pass Program is categorically exempt pursuant to the California Environmental Quality Act (CEQA) – CEQA Guidelines California Code of Regulations (CCR) Section 15307 Class 7 - actions by regulatory agencies as authorized by State law for the protection of natural resources and CCR Section 15308 Class 8 – actions by regulatory agencies for the protection of the environment.
- b. The Monterey County AG Pass Program is approved subject to eligibility requirements and other terms described in the staff report which is on file with the Agricultural Commissioner’s Office and the Clerk of the Board of Supervisors and incorporated by this reference; and
- c. The Agricultural Commissioner’s Office is authorized and directed to act as the Administrator of the AG Pass Program.

PASSED AND ADOPTED on this 18th day of April 2023, by roll call vote:

AYES: Supervisors Alejo, Church, Lopez, Askew, and Adams
NOES: None
ABSENT: None

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting on April 18, 2023.

Dated: April 25, 2023
File ID: RES 23-058
Agenda Item No. 28

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California


Emmanuel H. Santos, Deputy