



Legislation Details (With Board Report)

File #: PAR 22-020 **Name:** Prelim. Analysis Report Ag Pass Program
Type: Preliminary Analysis Report **Status:** Agenda Ready
File created: 4/18/2022 **In control:** Board of Supervisors
On agenda: 5/3/2022 **Final action:** 5/3/2022

Title: Receive a preliminary analysis report in response to Board Referral No. 2022.07 determining the feasibility of an agricultural and livestock pass for the County of Monterey.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Exhibit A_Board Referral No. 2022.07_Lopez, 3. Completed Board Order Item No. 29 (4/26 BOS Meeting), 4. Completed Board Order Item No. 18

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------------|-----------|--------|
| 5/3/2022 | 1 | Board of Supervisors | approved | Pass |
| 4/26/2022 | 1 | Board of Supervisors | continued | Pass |

Receive a preliminary analysis report in response to Board Referral No. 2022.07 determining the feasibility of an agricultural and livestock pass for the County of Monterey.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Receive a preliminary analysis report in response to **Board Referral No. 2022.07** and:
 - 1) Direct that staff proceed with completion of referral based on description in this report; or,
 - 2) Direct that staff:
 - i. Proceed with completion of referral based on modifications by the Board; or
 - ii. Return to Board with a more comprehensive analysis of referral and anticipated effort for completion; or,
 - iii. Rescind referral.
- b. Provide further direction, as appropriate.

SUMMARY/PRELIMINARY ANALYSIS:

Referral Summary & Background:

Board Referral No. 2022.07 (Lopez- see Exhibit A) requests the Agricultural Commissioner’s Office research options and feasibility for the creation of an agricultural and livestock pass program (“AG Pass”) in order to provide a uniform way to identify vetted commercial farm and ranch owner-operators and their employees to firefighting personnel, California Highway Patrol officers, Sheriff’s deputies and other law enforcement officers, and other emergency personnel. Possession of an Ag Pass during a wildfire or similar disaster or emergency allows the livestock producers limited emergency access to areas that may otherwise be restricted to the public in order to protect or care for livestock assets and provide support information to first responders, such as but not limited to, identifying access roads and water points.

The purpose of creating a county-based “Ag Pass” program is to provide a uniform way to identify vetted commercial cattle farm and ranch owner-operators and their employees to firefighting personnel, California

Highway Patrol officers, Sheriff's deputies and other law enforcement officers, and other emergency personnel. Possession of an Ag Pass during a wildfire or a similar disaster (or, "all-hazard" emergency) potentially allows the Commercial Cattleman limited emergency access to areas that may otherwise be restricted to the public, in order to 1) protect or care for agricultural assets (such as feeding, watering, and transporting livestock) and/or 2) provide support information to emergency personnel (such as identifying access roads and water points).

Ag Pass cards are applied for by and distributed to eligible agriculturalists before a disaster. The application process is designed to confirm that the cardholder is a bona fide commercial cattle owner-operator or employee whose services are essential to providing protection or care to agricultural assets, such as livestock. Individuals eligible for the Ag Pass must be key personnel who have a working knowledge of the agricultural property, including access to irrigation systems, farm equipment, and other essential infrastructure. Before the Ag Pass is provided, they will be provided training in emergency procedures and understand that their role is to provide limited protection and/or care to the agricultural operation, not to fight fire or act as first responders during disaster.

Possession of an Ag Pass card does not grant any rights or privileges and does not necessarily mean the cardholder will be able to pass through road closures to get to their farm or ranch. If there is imminent danger, front-line emergency personnel are empowered to use discretion when it comes to protecting emergency crews and the public from unnecessary exposure to risk. However, in those cases when the boundaries of the closure area include agricultural land not deemed at imminent risk, the cards may allow employees or owners access to agricultural property, at the discretion of front-line emergency personnel. Ag Pass holders will be required to waive liability exposure to property damage/loss, injury, or death.

What partners need to be involved?

The Ag Pass requires partnership from multiple county-based and regional agencies for successful implementation. The following agencies in Monterey County should participate in initial program development:

- Agricultural Commissioner's Office
- Monterey County Regional Fire Protection District
 - CalFire San Benito Monterey Unit
- Sheriff's Office
- Office of the County Counsel
- County Administrative Office
- Office of Emergency Service

Furthermore, the following entities/agencies will be consulted as program development continues:

- Farm Bureau
- Cattlemen's Association
- US Forest Service
- California Highway Patrol
- County Animal Services

Who administers the Ag Pass?

Due to their unique position serving the agricultural community and their experience working with Fire Incident Management Teams as the agriculture liaisons during disasters, the Agricultural Commissioner's Office will be responsible for administering the Ag Pass program for Monterey County.

Initial program administration will include processing applications, confirming eligibility, printing and distributing Ag Pass identification cards, record keeping, and renewal notification. In the beginning, Ag Pass

cards will be valid for two (2) years. Upon the expiration of the two (2) year period, a card holder in good standing would need to reapply to determine if they still meet the eligibility criteria. The Agricultural Commissioner's Office will work closely with the Monterey County Regional Fire Protection District and the CalFire San Benito Monterey Unit to coordinate and record the completion of training requirements regarding emergency procedures.

Who is eligible for an Ag Pass?

For the initial program rollout, no more than three (3) individuals from any agricultural operation (not each individual site of the operation) will be eligible to obtain an Ag Pass. To reiterate, the purpose of the Ag Pass is to potentially allow commercial Cattle Ranchers access to his or her farm or ranch for limited emergency response activities to protect or care for agricultural assets only. It is not a pathway that allows for normal agricultural operations or activities (i.e., harvesting, packing, planting, etc.).

The Ag Pass will only be available to agriculturalists who meet the following criteria:

1. Property must be located in the State Responsibility Areas (SRA) of Monterey County
2. The operation must be:
 - a. A commercial cattle enterprise; or
 - b. Property used for conducting agricultural research or instruction by an educational institution.
3. Property must be zoned agricultural and a minimum of 40 acres in size.
4. The Applicant is 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.
5. The Applicant and employer (if different than the Applicant) must sign a waiver and release.

An Ag Pass eligibility committee ("Committee") organized by the Agricultural Commissioner's Office will be responsible for confirming eligibility based on the above criteria. The Committee will be composed of representatives from the Agricultural Commissioner's Office, County Fire, Sheriff's Office, Monterey County Cattleman's Association and Monterey County Farm Bureau.

Applicants may submit one or more of the following resources for the Committee to determine eligibility: 1) Restricted Material Permit, Operator Identification Number, which track pesticide use; 2) membership in a local industry association (e.g. Farm Bureau, Cattlemen's Association); 3) a redacted "Schedule F" tax form; 4) Assessor's Parcel Numbers (APNs) to confirm agricultural zoning; 5) agricultural land lease documentation; 6) local FSA office, and/or 7) CDFA (Bureau of Livestock Identification).

If the Ag Pass holder does not maintain eligibility based on the above criteria or adhere to incident access guidelines established during the emergency by local fire, sheriff, or the Fire Incident Management Team they would no longer be eligible to use the Ag Pass Card. A decision on a loss of eligibility and/or a breach to the guidelines will be made by the Committee and is not an appealable decision. If the Committee determines that the holder no longer meets the eligibility criteria and/or breached the guidelines of the program, the Ag Pass identification card must be returned to the County and would no longer be accepted for access.

ID Cards

The Monterey County Ag Pass will be a hard, plastic identification card that includes the following information: 1) name of cardholder, 2) driver's-license-style headshot photograph, 3) farm or ranch name, 4) primary ranch address, and 5) secondary or tertiary farm or ranch addresses (for operations with multiple locations).

Temporary cards or placards may also be available during individual incidents. These temporary Ag Passes will be intended for agriculturalists who did not previously sign up through the Ag Pass program but whose farm or ranch is behind a road closure. Temporary passes may be distributed at the discretion of the Agricultural Commissioner's Office in consultation with the Monterey County Regional Fire Protection District and/or the CalFire San Benito Monterey Unit as applicable and based on the same eligibility criteria for an Ag Pass (described above) if time and personnel staffing permits. Temporary Ag Passes will be acquired at the Incident Command Post and will likely require an escort as determined by the Agricultural Commissioner's Office in consultation with the Monterey County Regional Fire Protection District and/or the CalFire San Benito Monterey Unit as applicable. A temporary card or placard is only valid during the individual incident for which the temporary Ag Pass is issued.

ID Card Expiration

Ag Pass ID Cards will be valid for no more than two (2) years. Once expired, an Ag Pass ID Card holder must request a renewal and meet all the current program eligibility criteria.

Training

In Monterey County, once eligibility is determined by the Committee, completion of training will be required for all individuals before an Ag Pass is provided. An approximately 4-hour curriculum will be developed that will provide a primer on basic fire behavior, communications during disaster, and incident command structure (ICS). Additionally, shorter, "refresher" training will be made available online at Ag Pass renewal time.

All training will be administered by Cal Fire or Monterey County Regional Fire Protection District and/or the CalFire San Benito Monterey Unit as applicable. The curriculum is built to be adaptable for all hazard emergencies and delivered in a classroom setting or a synchronous or asynchronous training model. Topics to be covered include wildland entrapment avoidance, recognition of hazardous environments, working with county stakeholders, waiver and release of liability, communication, escape routes, safety zones, personal protective equipment, guidelines to be adhered to as an Ag Pass card holder.

To attend the course and apply for an Ag Pass the Applicant must sign a document waiving and releasing the County and all fire/police agencies of any liability related to participation in the Ag Pass Program. After completion of the course, a certificate of completion for attending the course and Ag Pass identification card will be provided.

Estimated Project Cost:

The initial cost of the Monterey County Ag Pass Program will be incorporated into the existing department budget. A cost analysis will be conducted to determine ongoing annual cost and the need to identify an additional funding source.

Staffing Level Estimate:

Staff level will be evaluated but it could be performed by between one to three staff members.

Departmental Challenges:

Identifying eligible individuals and operations and determining the appropriate scale of the Ag Pass program.

Proposed Response Date:

Staff will report back to the Board of Supervisors within 90 days with a status update.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This recommendation advances the Board of Supervisors Economic Development, Health and Human Services,

Infrastructure and Public Safety Strategic Initiatives to support our commercial livestock operators with their agricultural operations.

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: Charles McKee, County Administrative Officer, 755-5113

Attachments:
Exhibit A- Board Referral No. 2022.07 (Lopez)