



## Board Report

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**File #:** RES 23-058, **Version:** 1

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Adopt a resolution to:

- a. Find that the approval of the Agricultural Pass Program (AG Pass) 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
- 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.

**RECOMMENDATION:**

It is recommended that the Board of Supervisors adopt a Resolution to:

- a. Find that the approval of the Agricultural Pass Program (AG Pass) 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
- 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.

**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 **Exhibit A-** Board Referral 2022.07 (Lopez). On May 3, 2022, staff provided a preliminary analysis report to the Board on the feasibility of an agricultural and livestock pass. On October 25, 2022, staff provided a status update of the progress in finalizing the AG Pass Program.

An agricultural pass program or AG Pass provides a uniform way to identify vetted commercial agricultural operations or educational institution conducting agricultural research 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.

***Analysis:***

The Agricultural Commissioner's Office assumed the lead as administrators of the AG Pass Program. 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 or entity conducting agricultural research or instruction by an educational institution 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.

*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 and the understanding that possession of an AG Pass does not guarantee the AG Pass holder will be allowed entry to their agricultural site if imminent danger exists. The bill 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 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 for 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. The bill 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.

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.

***Proposed CEQA Action:***

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.

*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.

*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 and safety training fees. Staff learned that all of 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 Office staff review applications as part of their other duties and use existing computer software programs for AG Pass files. 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 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 County, the AG Pass is for all types of commercial agricultural operations and agricultural research or instruction by an educational institution and must be in a State Responsibility Area (SRA) for 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 Agricultural Commissioner's Office facilitated an AG Pass Program development meeting with the following County Departments, public agencies, industry representatives and entities; 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.
  
  - On September 27, 2022, the Agricultural Commissioner's Office facilitated a meeting for follow up discussion with representatives from the Monterey County Sheriff's Office, the Monterey County Regional Fire Protection District, and CalFire.
  
  - On March 22, 2023, the Agricultural Commissioner's Office facilitated a follow-up meeting with the County Departments, public agencies, industry representatives and entities described above to provide an update on the proposed AG Pass Program and to solicit feedback.
  
  - On April 4, 2023, the Agricultural Commissioner's Office facilitated a meeting to coordinate the AG Pass Training scheduled for June 5 and 6 with CalFire, the Monterey County Sheriff's Office, California Highway Patrol and Public Works Facilities and Parks (PWFP) staff.

**Conclusion-** Based on research, including consultation with other AG Pass counties and in partnership and consultation with the above-mentioned entities, the proposed AG Pass Program 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 Program is to provide a uniform way to identify vetted commercial agricultural

operations or educational institution conducting agricultural research and their operators to firefighting personnel, California Highway Patrol officers, Monterey County Sheriff's Office deputies, other 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 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 will be allowed entry to their agricultural site. If there is imminent danger, front-line emergency personnel may prohibit access.

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- See *Eligibility Documentation* section; or
- The entity is conducting agricultural research or instruction by an Educational Institution; and
- The applicant is the authorized representative/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 authorized representative/operator 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 and safety training course as prescribed in the application packet.

Additional AG Pass Program terms:

- For initial roll-out, no more than three (3) individuals from any commercial agricultural operation or educational institution conducting agricultural research (this means up to three (3) individuals per AG Pass Application).
- AG Pass valid for up to two (2) years, with annual renewal after the two (2) initial years, and, if applicable, subject to payment of any recommended application processing 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

OTHER AGENCY INVOLVEMENT:

Program development in consultation with the following agencies and entities: Monterey County Sheriff's Office, 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, Monterey County Cattlemen's Association, Monterey County Farm Bureau, Monterey County Vintners and Growers Association and the SPCA Monterey County.

FINANCING:

The Department will absorb the cost of the AG Pass Program, estimated at \$15,000 annually for the first year with currently approved FY 2022-23 budget. It is expected that the annual cost will decrease significantly thereafter because most eligible AG Pass holders would acquire their AG Pass in the first year. Staff recommends that no fee is to be charged for processing application materials for an AG Pass, as the cost of the Program utilizes available resources in the existing department budget. Activities under this program would not require any changes to levels of staffing for the department. Ongoing funding is subject to availability as determined through the County's annual Adopted Budget review and approval process. 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.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This recommendation advances the Board of Supervisors' economic development and administration initiatives to support commercial agricultural operations and agricultural educational institutions in the County of Monterey.

Mark a check to the related Board of Supervisors Strategic Initiatives

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

Prepared by: Nadia Garcia, Agricultural Resources and Policy Manager, 759-7384

Approved by:

Date:

Juan Hidalgo, Agricultural Commissioner, 759-7301

Attachments:

Proposed Resolution

Exhibit A - Board Referral No. 2022-07