

San Luis Obispo County Ag Pass

Discussion

The passing of AB1103 on October 7, 2021, imposed a state-mandated program for local jurisdictions to establish an Ag Pass Program for the purpose of issuing identification documents granting any qualifying agricultural producer, or a managerial employee, access to the qualifying producer's ranch property, or to the ranch property owned by another holder of an AG Pass with permission, during a flood, storm, fire, earthquake, or other disaster. The purpose of creating a county-based Ag Pass Program is 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 for the purpose of allowing them access to their agricultural land. Possession of an Ag Pass during a wildfire or a similar disaster (or, "all-hazard" emergency) potentially allows the agriculturalist 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 irrigating crops or feeding, watering, and transporting livestock) and/or
- 2) Provide support information to emergency personnel (such as identifying access roads and water points).

Ag Pass identification 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 legitimate agricultural owner-operator or employee whose services are essential to providing protection or care to agricultural assets, such as livestock, croplands, vineyards, and orchards. Individuals eligible for the Ag Pass card 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 card 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 fire suppression or to act in a first responder capacity.

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.

What partners need to be involved?

The Ag Pass Program requires partnership from multiple county-based and regional agencies for successful implementation. The following agencies in San Luis Obispo County are participating in initial program development:

- Agricultural Commissioner's Office
- County Fire Department
- Sheriff's Office
- County Counsel
- County Executive Office
- California Highway Patrol
- Operation of Emergency Services

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

- Fire Safe Council
- Farm Bureau
- Cattlemen's Association
- University of California Cooperative Extension
- Agricultural Advisory Committee

Who administers the Ag Pass?

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

Initial program administration will include processing applications, confirming eligibility, printing and distributing Ag Pass identification cards, record keeping, and renewal notification. Initially, 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 will need to reapply to determine if they still meet the eligibility criteria. The Agricultural Commissioner's Office will work closely with County Fire to coordinate and record the completion of the training requirements (*see discussion below*).

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. The purpose of the Ag Pass is to potentially allow an agriculturalist 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 San Luis Obispo County. Visit map link below for location of property: <https://arcg.is/5PWLO0>
 - a. Because properties in the Wildland Urban Interface are subject to rapid change during wildfires or similar disasters, Ag Passes are only appropriate in the SRA.
2. The operation must be:
 - a. A commercial agricultural 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, Cattlemen's Association, Farm Bureau, Fire Safe Council and UC Cooperative Extension. Applicants may submit the following resources for the Committee to determine eligibility:

- 1) Assessor's Parcel Numbers (APNs) to confirm agricultural zoning.
- 2) Operator Identification Numbers, which track pesticide and herbicide use.

OR

Two of the following:

- 1) Membership in a local industry association (e.g., Farm Bureau, Cattlemen's Association).
- 2) A redacted "Schedule F" tax form.
- 3) Agricultural land lease documentation.
- 4) United States Department of Agriculture (USDA) Farm Services Agency (FSA) Farm Number, and/or.
- 5) California Department of Food and Agriculture (CDFA) Bureau of Livestock Identification registered brand.

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 San Luis Obispo County Ag Pass card 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 Pass cards or placards 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 and County Fire based on the same eligibility criteria, if time and personnel staffing permits, may be acquired at the Incident Command Post, and will likely require an escort. An issued temporary Ag Pass card or placard is only usable during that individual incident.

Training

In San Luis Obispo County, once eligibility is determined by the Committee, completion of training will be required for all individuals before an Ag Pass card is issued. County Fire has developed an approximately 4-hour curriculum 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 card renewal time.

All training will be administered by San Luis Obispo County Fire Department. The curriculum is designed 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, and guidelines to be adhered to as an Ag Pass card holder.

To attend the course and apply for an Ag Pass card the Applicant must sign a document waiving and releasing the County 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 an Ag Pass identification card will be provided.