

# **COMMERCIAL AGRICULTURAL BUSINESS VERIFICATION FOR MENDOCINO COUNTY RESTRICTED AREA ACCESS PROGRAM ("AG PASS PROGRAM")**

## **Procedures ("Ag Pass Procedures")**

### **Restricted Area Access Agriculture Pass ("Ag Pass") Program Overview**

The Mendocino County Department of Agriculture ("Ag Department"), Mendocino Cannabis Department ("Cannabis Department"), Mendocino County Office of Emergency Services ("OES"), the Mendocino County Sheriff's Office ("MCSO"), and Mendocino County Animal Care Services ("Animal Care") have worked in partnership to establish a restricted area access program. The program is to assist commercial agricultural producers, commercial livestock operators, locally authorized cannabis operators and commercial kennel operators to access restricted areas following a natural disaster to perform essential agricultural activities such as providing care for commercial livestock or to maintain other commercial farming commodities.

The Ag Pass Program allows qualifying commercial farm and ranch owners, other qualifying agriculture producers, locally authorized cannabis operators, commercial kennel operators, and their managerial employees, as defined in California Food and Agriculture Code § 2350, to be issued identification documents granting any qualified applicant access to a qualifying farm or ranch property, or kennel, during or following a flood, storm, fire, earthquake, or other disaster.

### **Requirements for Enrollment in Restricted Area Access Agriculture Pass ("Ag Pass") Program**

#### **Applicants must provide the following information:**

1. Contact information for the applicant, including business information and a description or map of all lands owned or managed by the applicant for which disaster access is sought. Ag Pass identification documents may be granted to any qualifying agriculture producer, including livestock producers and locally authorized cannabis operators, kennel operator, or a managerial employee of the qualifying business.
2. Supporting documentation that demonstrates that your farm, ranch, or kennel is a qualified commercial operation. Such documentation shall include the following:
  - a. Commercial Agriculture (non-livestock, non-cannabis) Qualifiers for Verification (any of the following):
    - Operator Identification Number
    - Restricted Materials Permit
    - Bee Where Registration
    - Certified Producers Certificate
    - Organic Registration
    - USDA Farm Service Agency (FSA) Farm Number

b. Commercial Livestock Qualifiers for Verification (must include all of the following):

- An operator identification number issued by a county agricultural commissioner.
- An Internal Revenue Service Schedule F (Form 1040) attesting to the applicant's Profit or Loss From Farming.
- Assessor's parcel numbers confirming agricultural zoning for the property or properties upon which access is sought.
- Agricultural land lease documentation.
- Documentation attesting to the applicant's enrollment in a Williamson Act contract as authorized pursuant to Chapter 7 (commencing with Section 51200) of Part 1 of Division 1 of Title 5 of the Government Code.
- Documentation from the United States Department of Agriculture Farm Service Agency attesting that the applicant is a commercial livestock producer.
- Current registration of a livestock brand with the Bureau of Livestock Identification.
- CA Department of Food and Agriculture (CDFA) Bureau of Livestock Identification Brand Registration.

c. Commercial Cannabis Qualifier for Verification

- Mendocino County Ag Application Number (Embossed Receipt or County Annual Cultivation Permit).

d. Commercial Kennel Qualifier for Verification

- Commercial kennel license issued by Mendocino County Animal Care Services.

**Applicants must agree to abide by the following Ag Pass Program rules:**

**1. Renewal**

Ag Passes must be renewed annually.

**2. Access Pre-Authorization**

Upon submission and approval of applications, Pre-Authorization lists will be compiled by the Ag Department, the Cannabis Department, and Animal Care Services of farm, ranch, and kennel owners and their managerial employees who have been issued identification documents under the Ag Pass Program. During an emergency, Pre-Authorization lists for an area impacted by a natural disaster will be provided to law enforcement or other emergency personnel for consideration of allowing access to restricted areas during a natural disaster. In order to be authorized to enter a restricted area an individual must have identification documents, photo ID, as described in paragraph 3, and be on the Pre-Authorization list.

**3. Identification Documents**

In addition to compiling Pre-Authorization lists, the Ag Department, the Cannabis Department, and Animal Care shall issue identification documents to commercial agriculture producers approved for restricted area access under this program. The identification document will contain: (A) The name of the applicant and cardholder; (B) The name or names of the ranch to which the cardholder seeks access in the event of a disaster; (C) The expiration date of the identification document, if an expiration date was established by the

County; (D) The seal or logo of the authorizing agency and the signature of the issuing officer.

In order to access a restricted area during a disaster Ag Pass holders must show both their identification document issued by the Ag Department, the Cannabis Department, or Animal Care and a valid photo identification document issued by the state or federal government.

#### **4. Conditional Access**

Decisions for access can rapidly change during a natural disaster and will be dependent on safety conditions assessed at the time by emergency personnel in charge of the scene. Access will only be granted during daylight hours and all persons must depart the area by the same route as entry.

During initial evacuation phases, efforts will be focused on the safe removal of people. Once the situation has been stabilized, which does not have a defined timeline, then the ability to access a restricted area for essential agricultural activities will be determined. Law enforcement and emergency services entities managing emergency operations shall jointly agree when access to a restricted area for essential agricultural activities is reasonable.

Access to areas closed pursuant to subdivision (a) of Section 409.5 of the Penal Code may only be granted by the incident commander, a law enforcement official having jurisdiction, or their designee. When access is granted by emergency response personnel other than the incident commander, the emergency response personnel shall notify incident command that access has been provided to the holder of the Ag Pass.

#### **5. Limited Access**

Access granted to a livestock producer shall be limited to the purposes of sheltering, moving, transporting, evacuating, feeding, watering, or administering veterinary care to livestock, or providing local expertise to peace officers and emergency personnel. Local expertise shall only be provided upon the request of peace officers and emergency personnel.

Access granted to other agriculture producers, including locally authorized cannabis operators, shall be limited to the purposes of tending to commercial agriculture commodities or products.

Access granted to a kennel owner shall be limited to the purposes of sheltering, moving, transporting, evacuating, feeding, watering, or administering veterinary care to kenneled animals.

#### **6. Personnel Access**

Farm, ranch, or kennel owners may include a list of up to four managerial employees who may be issued identification documents allowing them access to the property during an emergency under the terms and conditions of the Ag Pass Program. This information can be revised at any time by submitting a Personnel Access Update email to either the Ag Department, the Cannabis Department, or Animal Care.

#### **7. Prior Approval**

During an emergency, emergency personnel at the point of entry to an evacuation zone will be provided a current list of valid Pre-Authorizations that have been issued Ag Passes. If you have not obtained an Ag Pass prior to the disaster during which you seek entry to a restricted area, you may apply for an Ag Pass during the disaster, but the County may not be able to complete the authorization process during a disaster.

## **8. Managerial Employees**

A managerial employee of a qualifying agriculture producer shall not be required by the qualifying agriculture producer to obtain an Ag Pass. Access to a qualifying agriculture producer's property by a managerial employee shall be fully voluntary on the part of the managerial employee.

A person shall not require any employee to obtain or use a livestock pass or to enter, remain or be present on the agriculture producer's property during or following a flood, storm, fire, earthquake, or other disaster. A person shall not in any manner discriminate, retaliate, or take any adverse action against an employee for refusing to obtain or use a livestock pass or to enter or be present on the livestock producer's ranch property during or following a flood, storm, fire, earthquake, or other disaster. Any person who believes that they have been discriminated or retaliated against in violation of this requirement, in addition to any other available remedy, may file a complaint pursuant to Section 98.7 of the Labor Code for remedies available under Section 98.6 of the Labor Code.

To qualify for Ag Pass identification documents a managerial employee must meet the following criteria:

- (A) Has management authority with responsibility to oversee the care and well-being of the qualifying livestock producer's livestock.
- (B) Primarily engages in managerial job duties and customarily and regularly exercises discretion and independent judgment in these duties. These duties shall be specified in a written job description issued no later than 90 days before the date of the flood, storm, fire, earthquake, or other disaster.
- (C) Earns a monthly salary equivalent to no less than two times the state minimum wage for full-time employment at the time of the flood, storm, fire, earthquake, or other disaster.

Managerial employees who are issued identification documents under the Ag Pass Program shall be provided by the Applicant with a copy of the Ag Pass Program Rules.

## **9. Terms and Conditions**

All applicants for the Ag Pass Program will agree to the Ag Pass Program rules by signing an attestation at the time of the initial application. Pre-Authorization ONLY allows for limited emergency access and ONLY to conduct essential commercial agricultural activities. Pre-Authorization does not grant authority to the applicant to stay at their residence and/or business when an evacuation order is issued. Access will not be permitted if conditions are unsafe.

## **10. Violations of Program Rules**

Individuals found in violation of the Ag Pass Program rules, whether by engaging in activities other than the approved essential agricultural activities and/or by being located at an address not listed on the Pre-Authorization application, or other violations may have their on-site Access Pass revoked.

## **11. Modifications**

The Ag Pass Program may be reviewed annually. Modifications may be made during the annual review or as needed. Those on the Pre-Authorization list will be notified of any significant changes to the program.

## AG PASS PROGRAM APPLICATION

### Commercial Agricultural Business Verification for Mendocino County Restricted Area Access Program

#### Applicant Information

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email address: \_\_\_\_\_

Cell Phone Number: \_\_\_\_\_ Can we send you text messages? Yes No

#### Company Information

Business Name: \_\_\_\_\_

Business Phone Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Physical Address(es) and description of farm/ranch/cultivation sites and essential agriculture activity (ies) at each site. Attach extra sheet if needed.

Managerial Employees (must meet the requirements listed in the Ag Pass Procedures) /Title (List Up To 4)

Contact Phone Numbers

Receive Text

_____	_____	Yes	No
_____	_____	Yes	No
_____	_____	Yes	No
_____	_____	Yes	No

### Verification Documents

All required documents must be valid for the current year, issued by Mendocino County, CDFA or USDA and list the site location(s) that may be requested for access in relation to this application.

Attach a copy of the documents required for the applicable agriculture operation, as listed in the Ag Pass Procedures, to the application. Applications will not be accepted without qualifying attachments.

*Applicant understands that the Mendocino County Agriculture, Cannabis, and Animal Care Services Departments solely verify whether a commercial agricultural cannabis operation or commercial kennel exists at the described location and does not permit access to restricted areas or certify compliance with any applicable laws. Applicant acknowledges the inherent risks and hazards associated with accessing restricted areas subject to official road closure as the result of a local emergency. Applicant acknowledges and understands that access to restricted areas is subject to authorization by law enforcement, fire services, emergency services, and/or the California National Guard. Applicant agrees that it and any individuals who access restricted areas will follow all orders of those agencies regarding entry and exit from the property. Applicant further agrees that they have read and agree to abide by the rules of the Ag Pass Program as listed in the Ag Pass Procedures. Applicant is solely responsible for the safety of those individuals included in this request and is solely responsible for any damage to property or equipment arising from restricted access. Applicant agrees to hold harmless the County and its officers, agents, employees, volunteers, or representatives from and against any liability, claims, actions, proceedings, losses, injuries, damages, or expenses, including associated litigation costs and reasonable attorney's fees, brought for or on account of personal injury (including death) or damage to equipment or property arising from the Applicant's access or denial of access. Further, the Applicant is solely responsible and must hold harmless the County from any acts or omissions of the Applicant or its officers, agents, employees, volunteers, contractors and subcontractors in accessing the above listed location. Applicant acknowledges that they understand the risks of entering a restricted area during a disaster, and understand that emergency personnel may not be able to assist in evacuating applicant or managerial staff who have entered the restricted access area. Applicant further understands that if access is granted it is only to the location and for the activities expressly allowed under the Ag Pass Program and the direct access route to/from that location; stopping along access routes, wandering, loitering, or otherwise meandering from the above location, or performing activities other than those expressly allowed under the Ag Pass Program is strictly prohibited.*

\_\_\_\_\_  
Applicant Name (please print)

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

**County Verification**

**Verification Number**

\_\_\_\_\_  
Department Head Approval

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