



Department of Agriculture
& Weights and Measures
Agricultural Commissioner
& Sealer



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UNIVERSITY OF CALIFORNIA
Agriculture and Natural Resources
UC Cooperative Extension

Mariposa County Commercial Livestock Pass

Background:

In 2021 Assembly Bill (AB) number 1103, Chapter 609, Livestock Pass was signed into law. AB 1103 authorizes, upon the approval of a county board of supervisors, a county agricultural commissioner, or other designated agency, to establish within the county a commercial livestock pass program for the purpose of issuing identification documents granting any qualifying Commercial Livestock producer, as defined, or a Managerial Employee, as defined, access to the qualifying commercial livestock producer's ranch property, or to the ranch property owned by another holder of a commercial livestock pass with permission, during or following a flood, storm, fire, earthquake, or other disaster, as provided.

Introduction:

The purpose of creating a county-based "Commercial Livestock Pass" program is to be compliant with AB 1103 by providing a uniform way to identify vetted commercial livestock owner-operators and/or managerial employee to firefighting personnel, California Highway Patrol officers, Sheriff's deputies, other law enforcement officers, and other emergency personnel. Possession of a Commercial Livestock Pass during a wildfire or a natural disaster potentially allows the commercial livestock producers or managerial employees limited access to areas that may otherwise be restricted to the public as stated in California Penal Code (PC) 409.5. Before Commercial Livestock Pass holder enters a restricted area, access must be granted by Mariposa County OES Coordinator.

A Commercial Livestock Pass is applied for by and distributed to eligible commercial livestock operators or managerial employee before a disaster. The applicant shall submit all appropriate documentation listed in California Food and Agricultural Code 2350 (c)(1) *documentation sufficient to demonstrate that the applicant is a commercial livestock producer, or a managerial employee of a commercial livestock producer.* The documentation list is listed on the Commercial Livestock Pass application. The purpose of the commercial livestock pass is for the commercial livestock producer as stated in FAC 2350(d)(1) *Access granted pursuant to a livestock pass 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. Local expertise is only upon request FAC 2350(d)(4) For purposes of this subdivision, "local expertise" may include identifying access roads, water points, and other local knowledge that may assist firefighters or other emergency response personnel.*

In section FAC 2350 (d)(2) *A holder of a livestock pass may have access to the ranch property that is owned by another holder of a livestock pass, with permission from that livestock passholder, for purposes of providing assistance with those activities specified in paragraph (1) during or following a flood, storm, fire, earthquake, or other disaster.* The permission locations will be listed on each commercial livestock pass holder's pass.

Possession of the Commercial Livestock Pass does not grant any rights or privileges and does not necessarily mean the pass holder will be able to enter road closures to get to their commercial livestock operation location(s) without prior authorization. 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.

The commercial livestock pass can be suspended or revoked for not abiding to instructions provided in this packet, from emergency personnel, and/or misuse.

Mariposa County Commercial Livestock Pass

Who Can Apply to Register:

Food and Agricultural Code (FAC) 2350 defines who may apply for the Commercial Livestock pass.

- Qualified Livestock Producer means a commercial livestock operator or owner that owns more than 25 head of livestock in Mariposa County.
- Managerial Employee has management authority with responsibility to oversee the care and well-being of the qualifying livestock producer's livestock.

Application for Registration:

To become enrolled in the program, a commercial livestock operator will need complete the "Application for Mariposa County Commercial Livestock Pass." Application includes applicant's name, contact information, number of head, the documentation required per FAC 2350 (c)(1), description of livestock, location of livestock, months of use and additional information. Per FAC 2350(c)(1) *An applicant for a livestock pass shall provide, or the relevant county agency shall otherwise obtain, documentation sufficient to demonstrate that the applicant is a commercial livestock producer, or a managerial employee of a commercial livestock producer. The documentation may include, but is not limited to, any of the following: (A) An operator identification number issued by a county agricultural commissioner. (B) An Internal Revenue Service Schedule F (Form 1040) attesting to the applicant's Profit or Loss from Farming. (C) Assessor's parcel numbers confirming agricultural zoning for the property or properties upon which access is sought. (D) Agricultural land lease documentation. (E) 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. (F) Documentation from the United States Department of Agriculture Farm Service Agency attesting that the applicant is a commercial livestock producer. (G) Current registration of a livestock brand with the Bureau of Livestock Identification.*

Mandatory Training:

For your Commercial Livestock Pass to be approved, a Qualified Livestock producer (owner or operator) or Managerial Employee must complete 4-hour training, completing the curriculum developed pursuant to Section 13105.6 of the Health and Safety Code. *...The curriculum shall, at a minimum, provide education regarding basic fire behavior, communications during a disaster emergency, and incident command structure. The curriculum shall provide for the initial certification as well as the continuing education or recertification of livestock producers eligible for the livestock pass program.*

Livestock Pass:

The Commercial Livestock Pass is issued by the Mariposa County Department of Agriculture & Weights and Measures, Agricultural Commissioner's office to a Qualified Livestock producer (owner or operator) or Managerial Employee once the application for registration has been approved. The following shall be on each livestock pass pursuant to FAC 2350(e)(1) *A livestock pass identification document issued pursuant to subdivision (b) for the purpose of authorizing access during a disaster shall include, at a minimum, all of the following information: (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.* FAC 2350(e)(2) *A livestock pass identification document authorizing access during a disaster that does not include a photograph of the cardholder shall not be a valid document for purposes of subdivision.* All above required information will be on Mariposa County Commercial Livestock Pass in addition each pass will be numbered, embossed with Department of Agriculture seal, and laminated.

Pass Database:

The Commercial Livestock Pass registration database will be maintained and updated the Mariposa County Department of Agriculture & Weights and Measures, Agricultural Commissioner office. Data will be available to key agencies, including, but not limited to, Mariposa County Sheriff's Department, Mariposa OES Coordinator, Mariposa County Fire, California Highway Patrol, and the Cal-Fire. The Commercial Livestock Pass database may also be used for other emergency issues, (e.g., cattle out on the road.)

Conditional Access:

Access to restricted areas can rapidly change during a fire or other natural disaster. Access will be dependent on safety conditions at the time and upon approval of emergency personnel. Care for livestock shall only be made during daylight hours, and all pass holders must immediately depart the restricted area by the same route as entry during the pass holder's departure, this is for safety of all in the area. An escort will be required in any instance and all restricted entry will be dependent on approval of onsite emergency personnel. During initial evacuation phases, do not expect to gain access to restricted areas by presenting/using the Commercial Livestock Pass, during such time all efforts are involved in the safe evacuation of the area. Once the situation has stabilized, which may take over 24-hours or even days, then the Livestock Access Pass will be considered an option by law enforcement, and fire personnel, and/or other emergency personnel.

During an emergency, **do not** contact Mariposa County Sheriff's Department or Mariposa County's Animal Control for assistance, or to notify them of your commercial livestock behind fire lines. Contact the Mariposa County Department of Agriculture & Weights and Measures, Agricultural Commissioner's office to request access with you Commercial Livestock Pass.

During an emergency, law enforcement or other emergency personnel at the point of entry to an evacuation zone will be provided a current list of valid Commercial Livestock Pass Holders, permit numbers, along with a sample valid pass.

Prior Notification:

If your livestock are in an evacuation zone, you will need to notify the Mariposa County Department of Agriculture & Weights and Measures, Agricultural Commissioner office at 209-966-2075 or on the cell phones listed on your Commercial Agricultural Pass to gain access. There will be a coordinated effort to consolidate communication with the Mariposa County Sheriff's Office and/or other emergency personnel. Once access has been approved by law enforcement and/or other emergency personnel, the Commercial Livestock Pass holder will be notified. **DO NOT GO TO A ROADBLOCK AND ATTEMPT TO USE THE COMMERCIAL LIVESTOCK PASS WITHOUT PRIOR NOTIFICATION.**

Removal of Livestock:

If you intend to remove livestock from the evacuation zone (e.g., for veterinary care, to transport to an alternative location), please provide prior notification to the Mariposa County Department of Agriculture & Weights and Measures, Agricultural Commissioner office at 209-966-2075 or on the cell phones listed on your Commercial Agricultural Pass. The intent of this is to prevent theft of livestock during an emergency.

Signage:

Commercial Livestock Pass holders may be required to place a sign at the entrance to the property where commercial livestock are located, to provide notification to emergency personnel and Mariposa County Animal Control. The sign will state the animals are under the care of "Commercial Livestock Pass Holder." If this is necessary, Commercial Livestock Pass holders will be asked to meet a representative from Mariposa County Department of Agriculture & Weights and Measures, Agricultural Commissioner office to obtain the proper signage.

Violations of Pass:

The utilization of the Commercial Livestock Pass is for the purpose of providing feed, water, medical treatment, and other care to commercial livestock within the evacuation zone or other restricted area. As listed in FAC 2350 (d) (1) *Access granted pursuant to a livestock pass 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.* Thus, if you are found outside of the scope of this purpose, then your Commercial Livestock Pass may be permanently revoked.

Insurance and Risk:

Access in an area closed to the public during a disaster may affect the coverage of your property liability insurance, vehicle or equipment insurance, and worker's compensation coverage. As you re-enter your property be aware that hazardous conditions may still exist. Program administrators, collaborators, and trainers shall not be liable for injury or death of someone participating in activities resulting from the inherent risk of re-entering damage areas to provide care to livestock to the purposes stated in FAC 2350 (d) (1) *...purposes of sheltering, moving, transporting, evacuating, feeding, watering, or administering veterinary care to livestock...*

The owner of the Commercial Livestock Operator submitting an application for registration, hereinafter referred to as the pass holder," understands that he or she is requesting access to restricted areas subject to official road closure and not otherwise accessible to the public. In so requesting access, Pass Holder acknowledges the inherent risks and hazards caused by recent catastrophic fires, including the existence of declared local health emergency, which extend to the restricted areas. Pass Holder shall be solely responsible for the safety of those individuals covered by any Commercial Livestock Pass issued by the Mariposa County Department of Agriculture & Weights and Measures; the Pass Holder shall be solely responsible for any damage to any equipment used by Pass Holder during such requested access. Pass Holder shall hold harmless the Mariposa County and its officers, agents, employees, volunteers, or representatives from and against any and all liability, claims, actions, proceedings, losses, injuries, damages, or expenses of every name, kind, and description, including litigation costs and reasonable attorney's fees incurred in connection therewith, brought for or on account of personal injury (including death) or damage to equipment or property arising from A/Ps access under any issued Commercial Livestock Pass. Further, Pass Holder shall be solely responsible and shall hold harmless the Mariposa County from any and all acts or omissions of Pass Holder or its officers, agents, employees, volunteers, contractors, and subcontractors in accessing the location listed in the issued Commercial Livestock Pass. Pass Holder further understands that any pass/permit issued covers access only to the location identified in the issued Commercial Livestock Pass and the direct access route to/from said location; stopping along access routes is strictly prohibited. Pass Holder and its officers, agents, employees, volunteers or representatives shall not wander, loiter, or otherwise meander from the location listed in the issued Commercial Livestock Pass, and shall be subject to immediate arrest for trespass into restricted areas and prosecuted to the fullest extent of the law.

Modifications:

This is a new program and will be reviewed annually. Review improves the program to make any modifications during the course of the year – in which case, any changes will be provided to the annual Commercial Livestock Pass holder via email.

Annual Review and Report:

An annual review and report on the program will be completed at the end of each calendar year to inform need of program modifications and utilization. The review will be completed by all partners. The annual report will be completed and provided to partners, stakeholders, and the Mariposa County Board of Supervisors.

FOOD AND AGRICULTURAL CODE - FAC

DIVISION 2. LOCAL ADMINISTRATION [2001 - 2350]

(Division 2 enacted by Stats. 1967, Ch. 15.)

CHAPTER 4. Livestock Pass Program [2350- 2350.]

(Chapter 4 added by Stats. 2021, Ch. 609, Sec. 1.)

2350.

(a) For purposes of this chapter, the following definitions apply:

(1) “Managerial employee” means a person who meets all of 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.

(2) “Qualifying livestock producer” means a commercial livestock producer, as determined by the county agency, who has been certified as successfully completing the curriculum developed pursuant to Section 13105.6 of the Health and Safety Code.

(b) (1) Upon the approval of a county board of supervisors, a county agricultural commissioner, or other agency designated by the county board of supervisors, is authorized to establish within that county a livestock pass program for the purpose of issuing identification documents granting any qualifying livestock producer, or a managerial employee of the qualifying livestock producer, access to the qualifying livestock producer’s ranch property during or following a flood, storm, fire, earthquake, or other disaster.

(2) (A) A managerial employee of a qualifying livestock producer shall not be required by the qualifying livestock producer to obtain a livestock pass. Access to a qualifying livestock producer’s ranch by a managerial employee shall be fully voluntary on the part of the managerial employee.

(B) A person shall not require any employee 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. 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 section may, in addition to any other available remedy, file a complaint pursuant to Section 98.7 of the Labor Code for remedies available under Section 98.6 of the Labor Code.

(C) Nothing in this section shall be construed as requiring a managerial employee of a qualifying livestock producer to be present on a ranch property during or following a flood, storm, fire, earthquake, or other disaster.

(c) (1) An applicant for a livestock pass shall provide, or the relevant county agency shall otherwise obtain, documentation sufficient to demonstrate that the applicant is a commercial livestock producer, or a managerial employee of a commercial livestock producer. The documentation may include, but is not limited to, any of the following:

(A) An operator identification number issued by a county agricultural commissioner.

(B) An Internal Revenue Service Schedule F (Form 1040) attesting to the applicant’s Profit or Loss From Farming.

(C) Assessor’s parcel numbers confirming agricultural zoning for the property or properties upon which access is sought.

(D) Agricultural land lease documentation.

(E) 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.

(F) Documentation from the United States Department of Agriculture Farm Service Agency attesting that the applicant is a commercial livestock producer.

(G) Current registration of a livestock brand with the Bureau of Livestock Identification.

(2) An applicant for a livestock pass shall furnish to the relevant county agency a description or map of all lands owned or managed by the applicant for which disaster access is sought.

(d) (1) Access granted pursuant to a livestock pass 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.

(2) A holder of a livestock pass may have access to the ranch property that is owned by another holder of a livestock pass, with permission from that livestock passholder, for purposes of providing assistance with those activities specified in paragraph (1) during or following a flood, storm, fire, earthquake, or other disaster.

(3) Access under this section 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 livestock passholder.

(4) For purposes of this subdivision, “local expertise” may include identifying access roads, water points, and other local knowledge that may assist firefighters or other emergency response personnel.

(e) (1) A livestock pass identification document issued pursuant to subdivision (b) for the purpose of authorizing access during a disaster shall include, at a minimum, all of the following information:

(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.

(2) A livestock pass identification document authorizing access during a disaster that does not include a photograph of the cardholder shall not be a valid document for purposes of subdivision (b) unless accompanied by a valid photo identification document issued by the state or federal government.

(f) Notwithstanding this section, a livestock pass issued by a county in which a livestock pass or equivalent program was established before January 1, 2022, shall be deemed to be in compliance with this section until the expiration date noted on the livestock pass or until December 31, 2025, whichever date occurs first.

(Added by Stats. 2021, Ch. 609, Sec. 1. (AB 1103) Effective January 1, 2022.)

Mariposa County

Department of Agriculture & Weights and Measures

Monica Nielsen
 Agricultural Commissioner & Sealer of Weights and Measures



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agcomm@mariposacounty.org

Application for Mariposa County Commercial Livestock Pass

Business Name: _____

Applicant's Name: _____ **Birthdate** _____
(Must be 18)

Check those that Apply: Commercial Livestock Owner Commercial Livestock Operator Managerial Employee

Contact Number(s): _____ **Cell Phone:** _____

Mailing Address: _____

Email Address: _____

Number of Head: 25-50 50-100 100-200 200+

FAC 2350(c)(1) Documentation Required (provide and mark 2)

- 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 with a Williamson Act Contract.
- Documentation from the USDA FSA attesting that the applicant is a commercial livestock producer.
- Current registration of a livestock brand with the Bureau of Livestock Identification.

Description of Livestock: _____

Brand	Ear Marks Right Left	Brand	Ear Marks Right Left	Brand	Ear Marks Right Left
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Ear Tag Information _____

Other Information
(Beehive Markings, etc.) _____

Location(s) of Livestock, attach maps for each location listed

Location, Address, or APN	Months of Use <small>(ex. June- Sept)</small>	Number of Livestock Head at Location

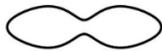
Commercial Livestock Operators or Managerial Employee authorized to assist you and what locations.

Business Name	Commercial Livestock Operator/ Managerial Employee	Location, Address, or APN

Commercial Livestock Operators or Managerial Employee you are authorized to assist and what locations. (To be listed on your Commercial Livestock Pass you must be listed on their application)

Business Name	Commercial Livestock Operator/ Managerial Employee	Location, Address, or APN

Additional Identification not listed above

Brand	Ear Marks  Right Left	Brand	Ear Marks  Right Left
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I understand that during times of restricted access caused by a natural disaster, this Commercial Livestock Pass enables the owner, commercial livestock operator, or managerial employee the ability to provide feed, water, medical treatment, and other care to large scale commercial livestock located at the address/location(s) listed above. Care shall only be made during daylight hours due to safety, and all persons must immediately depart the restricted area by the same route as entry. Transportation of animals shall be at the discretion of law enforcement. An escort may be required in any instance. **Access granted under this pass is not guaranteed and will be at the discretion of law enforcement and emergency command.**

_____ Applicant's Signature _____ Date

Mariposa County Department of Agriculture Use Only	
Received By:	Date Received:
Training Date:	Pass #
Required Documents/ Verified (list)	