

Appendix P

Mitigation Reporting Program

Introduction

The Proposed Program would involve implementation of a number of mitigation measures to reduce potentially significant environmental effects identified in the environmental analysis (see Volume 1, Chapter 6). These mitigation measures are listed in Tables C-2 through C-4 in Appendix C, CEQA Tiering Strategy, as they apply to physical, biological, and chemical management activities under the Proposed Program. The mitigation measures are also summarized in Attachment 2 to Appendix C.

As many of the activities proposed under the Proposed Program would be carried out by entities besides CDFA, CDFA would not monitor implementation of mitigation measures itself. Rather, CDFA would establish a mitigation reporting program and rely on reporting from those entities implementing mitigation measures on the ground (including CDFA, as applicable). Section 15097 (a) of the State CEQA Guidelines states: “A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.” Section 15097 (c) states: “The public agency may choose whether its program will monitor mitigation, report on mitigation, or both.”

This appendix describes the mitigation reporting program for the Proposed Program. Two key components of the overall mitigation reporting program would be the application of the CEQA Tiering Strategy and the development and execution of compliance agreements, contracts, permits and other agreements.

CEQA Tiering Strategy

As described in Appendix C, the CEQA Tiering Strategy is a tool designed to assist CDFA staff in determining (1) the extent to which a specific activity has been evaluated in the PEIR; (2) the management practices (MPs), mitigation measures, and other requirements from the PEIR to apply to each activity; and (3) the level and focus of any additional CEQA analysis (and related documentation) that may be necessary before beginning the activity. The Tiering Strategy includes a series of questions and steps to enable CDFA staff to determine if proposed activities have been evaluated in the PEIR, and, if so, what the applicable PEIR requirements are for those activities (see Tables C-2 through C-4 in Appendix C).

With respect to mitigation reporting, CDFA would use the CEQA Tiering Strategy and the Tiering Strategy Checklist (see Attachment 1) to identify MPs and mitigation measures for inclusion in compliance agreements, permits, contracts, grants, or other similar means. MPs and mitigation measures identified through the tiering strategy would be written into such agreements and would thus be binding conditions. Compliance agreements, contracts and other contractual agreements are discussed in more detail below. The Tiering Strategy Checklist also includes a section where CDFA staff can verify that mitigation measures have been complied with, documenting CDFA's completion of its obligation to ensure that implementation of the mitigation measures has occurred in accordance with the program.

Contractual Agreements

As described in Volume 1, Chapter 2, Proposed Program Description, CDFA may enter into agreements with growers or other public or private entities to carry out Proposed Program activities. These agreements may include compliance agreements with regulated entities within quarantine areas (e.g., to treat commodities to standards described in quarantine regulations before moving them outside the quarantine area); contracts with city and county government, non-profit organizations, or other entities (e.g., to conduct detection, eradication or other management activities), or permits (e.g., to move certain materials outside of quarantine areas). In addition to listing the applicable PEIR requirements (i.e., MPs and mitigation measures) for the subject activities, contractual agreements would clearly describe the contractee's responsibilities for implementing and reporting those requirements.

Any grower, city or county government, or other entity that entered into such an agreement with CDFA would have to sign the document to indicate that they intend to implement all PEIR requirements included in the agreement. Upon completion of the activities authorized under the agreement, the same party would have to sign an additional document indicating that they have implemented all PEIR requirements included in the agreement. Submission of the signed documents to CDFA would constitute mitigation reporting for the purposes of CEQA, allowing CDFA to sign off on the Tiering Strategy Checklist.

Mitigation Reporting Program

The mitigation reporting program for the Proposed Program would encompass the processes described above for identifying applicable PEIR requirements through use of the CEQA Tiering Strategy, inclusion of applicable requirements into contractual agreements, and obtaining signed copies of agreements indicating requirements were adhered to/implemented. This program would be in compliance with Section 21081.6 of the CEQA Statute and Section 15097 of the CEQA Guidelines.

Attachment 1 – CEQA Tiering Checklist

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|---|--|
| Start Date: | |
| Project Leader: | |
| Description of Activity: | |
| Activity Surroundings (Residential, agriculture, mixed use, other regulated entities): | |

Part A

| | Response | Justification/Rationale |
|---|----------|---|
| Is the proposed activity under CDFA's discretion? | | |
| Is the activity described in the PEIR? | | (If the Response is "Partially" or "No" skip to Part C) |

Part B

| | | Check Applicable Requirements |
|---|----------------------|-------------------------------------|
| General Requirements | | |
| Conduct activity as described in Chapters 2 and 3 of PEIR | | |
| Include applicable PEIR requirements in Compliance Agreements with regulated entities, based on the activities the regulated entities may conduct in response to quarantine | | |
| Activity Site Specific Review | | |
| Database | Date Reviewed | Mitigation If Any |
| California Natural Diversity Database | | |
| 303(d) List of Impaired Waters | | |
| EnviroStor Hazardous Site | | |
| Management Practices | | |
| MP-SPRAY-1: Conduct a Site Assessment | | |
| MP-SPRAY-2: Properly clean and calibrate all equipment to apply chemicals uniformly and in the correct quantities | | |
| MP-SPRAY-3: Follow pesticide application laws and regulations, and label directions | | |
| MP-SPRAY-4: Apply chemicals only under favorable weather conditions | | |
| MP-SPRAY-5: Follow integrated pest management and drift reduction techniques | | |
| MP-SPRAY-6: Clean equipment and dispose of rinse water per label directions | | |

| | Check Applicable Requirements |
|---|--|
| Management Practices | |
| MP-SPRAY-7: Follow appropriate product storage procedures | |
| MP-AERIAL-1: Use appropriate aerial spray treatment procedures | |
| MP-GROUND-1: Follow appropriate ground-rig foliar treatment procedures | |
| MP-GROUND-2: Follow appropriate low-pressure backpack treatment procedures | |
| MP-GROUND-3: Train personnel in proper use of pesticides | |
| MP-GROUND-4: Enforce runoff and drift prevention | |
| MP-HAZ-1: Implement a Spill Contingency Plan | |
| MP-HAZ-2: Use safety and cleanup materials checklist | |
| MP-HAZ-3: Implement decontamination | |
| MP-HAZ-4: Follow appropriate disposal procedures | |
| Mitigation Measures | |
| Mitigation Measure BIO-CHEM-2: CDFG will obtain technical assistance from USFWS, CDFW and NMFS to identify site-specific buffers and other measures to protect habitats utilized by special-status species | |
| Mitigation Measure HAZ-GEN-4a: Determine Potential for Hazardous Materials Exposure | |
| Mitigation Measure HAZ-GEN-4b: Conduct a Hazardous Materials Records Search before Beginning Proposed Program Activities at a Given Site | |
| Mitigation Measure HAZ-GEN-4c: Stop work and implement hazardous materials investigations/ remediation for contamination health risks | |
| Mitigation Measure HAZ-CHEM-1a: Conduct Public Information Sessions Regarding Pesticide Safety Practices | |
| Mitigation Measure HAZ-CHEM-1b: Conduct Training Sessions and Prepare Educational Materials Regarding Safe Handling and Application of Pesticides | |
| Mitigation Measure HAZ-CHEM-3: Require Compliance with the Proposed Program’s Authorized Chemical Application Scenarios | |
| Mitigation Measure NOISE-PHYS-1: Conduct Activities during the Daytime | |
| Mitigation Measure WQ-CHEM-2: Track Emerging Water Quality Standards and Implement Additional Mitigation as Appropriate | |
| Mitigation Measure WQ-CHEM-5: Require Implementation of Proposed Program MPs as Part of Compliance Agreements | |
| Mitigation Measure WQ-CUM-1: Identify whether Proposed Program Pesticide Applications May Occur in Proximity to Impaired Waterbodies, and Implement Appropriate MPs | |

Part C

| | Y/N | Justification/Rationale |
|--|------------|--|
| Step 1 | | |
| Is the Activity substantially similar to that considered in the PEIR? | | (If yes go to Step 2, if no move to the next question) |
| If a management practice that was not included in the PEIR is being considered, would it be equivalent or more effective to the management practice originally considered in the PEIR? | | (If yes go to Step 2, if no move to the next question) |
| If a mitigation measure that was not included in the PEIR is being considered, would it be equivalent | | (If yes go to Step 2, if no move to the next question) |

| | | |
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| or more effective to the mitigation measure originally considered in the PEIR? | | |
| Would the activity result in potentially significant impacts which were not considered in the PEIR, not considered to be significant in the PEIR, or would be substantially more significant than disclosed in the PEIR? | | (If yes go to Step 3, if no go to Step 2) |
| Step 2 | Attach supporting documentation for determination, and CEQA Addendum, as applicable | |
| Step 3 | Attach tiered CEQA document, and identify additional requirements from that document | |

| Confirmation of Implementation (following completion of activity) | |
|--|--|
| Project Leader Name: | |
| Signature*: | |
| End Date: | |

*This signature confirms that all applicable requirements identified on this checklist and related documentation has been properly implemented.