

**CITY OF ALBANY
CITY COUNCIL AGENDA
REPORT**

Agenda Date: 09/08/09

Reviewed by: BP

SUBJECT: Draft Environmental Impact Report (DEIR) on the Light Brown Apple Moth (LBAM) Eradication Program

REPORT BY: Jacqueline L. Bucholz, City Clerk

COUNCIL MEMBER LIEBER RECOMMENDATION:

Authorize the Mayor to sign the attached comment letter on the preparation of the DEIR on the LBAM eradication program on behalf of the City Council.

BACKGROUND

The State of California is preparing to spray certain areas with a pesticide to eradicate the Light Brown Apple Moth. The City Council has taken a position to oppose the spraying due to health concerns.

DISCUSSION

The attached comment letter identifies concerns and flaws in the Draft Environmental Impact Report (DEIR). In summary the DEIR does not:

- Address many of the comments submitted by the law firm Earthjustice on behalf of the City of Albany and other groups during the EIR scoping process.
- Address the unsubstantiated assumptions on which the entire eradication program is based regarding the need for or feasibility of the program, and the destructiveness and range of LBAM and the extent to which it is established in the state.
- Adequately address human and environmental health and safety impacts of the proposed LBAM program.
- Address specific impacts on Albany and the Bay Area.
- Address civil rights issues regarding access to private property.

SUSTAINABILITY IMPACT

Albany residents would be impacted by the pesticide spraying, which may cause health hazards for many residents and the environment.

FINANCIAL IMPACT

None.

Attachment: Comment Letter.