

CITY OF ALBANY
CITY COUNCIL AGENDA REPORT

Agenda Date: September 21, 2009
Reviewed by: BP

Subject: Draft Environmental Impact Report, Light Brown Apple Moth Spraying

Report By: Beth Pollard, City Administrator

COUNCILMEMBER LIEBER RECOMMENDATION

That Council authorize the Mayor to sign a comment letter on the Draft Environmental Impact Report (DEIR) being prepared by Earth Justice.

BACKGROUND

At the September 8, 2009 City Council meeting, the City Council authorized the Mayor to send a comment letter on the Draft Environmental Impact Report pertaining to proposed Light Brown Apple Moth eradication efforts.

DISCUSSION

The City also has the opportunity to join in on a comment letter being prepared by Earth Justice, which will be an elaborated version of the City letter with additional scientific-based information. For example, the letter is expected to have expert declarations from University of California scientists, among others, and may include findings from a report released this week from the National Research Council; this report finds that the U.S. Department of Agriculture (USDA) has overstated the risks posed by the light brown apple moth (LBAM) and that USDA did not conduct a thorough and balanced analysis and did not communicate its justification for classifying the moth as a quarantinable pest in a scientifically rigorous way or with sufficient clarity. Overall, the report by the NRC, part of the National Academy of Sciences, says, USDA's analysis would greatly benefit from the use of more robust science to support its position.

The Earth Justice letter will be able to provide additional information that questions the sufficiency of the EIR under the requirements of the California Department of Justice (CEQA).

The letter is in the process of being prepared and is not expected to be finalized until September 22, 2009. Comments on the EIR are due September 23. For this reason, it is recommended that Council authorize the Mayor to review and sign the letter on its behalf. The City Council has previously authorized working with Earth Justice on matters pertaining to environmental concerns related to spraying to eradicate the LBAM/ Attached is the Comments in Response to Notice of Preparation of a Draft Programmatic

Environmental Impact Report for the Light Brown Apple Moth Eradication Program previously prepared by Earth Justice, for reference.

SUSTAINABILITY IMPACT

There are potential human and environmental health hazards associated with the proposed Light Brown Apple Moth eradication program.

FISCAL IMPACT

None to the City

Attachments

Earth Justice Comments on Draft Programmatic Environmental Impact Report for the Light Brown Apple Moth Eradication Program