

CITY OF OAKLAND



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Jim Rains, Staff Environmental Scientist
California Department of Food and Agriculture
Plant Health and Pest Prevention Services
1220 N Street, 2nd Floor
Sacramento, CA 95814
Fax: (916) 654-1018
Email: jrains@cdfa.ca.gov

VIA EMAIL & FACSIMILE

Re: Comments on Final Light Brown Apple Moth Eradication Programmatic
Environmental Impact Report

Dear Mr. Rains:

The City of Oakland has reviewed the Final Light Brown Apple Moth Eradication Program Programmatic Environmental Impact Report ("FEIR") prepared by the California Department of Food and Agriculture ("CDFA"). As the City Attorney of Oakland, I am submitting these additional comments, in continued opposition of aerial spraying on Oakland residents, on behalf of the City.

First, Master Response D in the FEIR includes new maps intending to depict undeveloped areas that may receive aerial treatment based on a low population density of 100 persons per square mile or less. This addition of maps intending to indicate the likely location of aerial spraying in non-populated areas is substantial new information requiring recirculation of the EIR. Further, the maps are not specific enough to depict where actual spraying may occur.

Second, after publicly stating that aerial spraying will not occur in urbanized areas, the CDFa acknowledged, in its response letter to the City, that spraying could occur in Oakland in a "small area south of the Caldecott Tunnel on the Alameda County/Contra Costa County border" (see Response 8, FEIR 3-126). Such an area is not depicted on these new maps and is likely in an urbanized area, thereby

contradicting the comments CDFA has made elsewhere regarding aerial spraying. Further the CDFA's intent to leave door open on aerial spraying in Oakland does not take into consideration the proximity of aerial spraying to residences, schools, parks, or daycare centers. Thus, the FEIR still appears to leave open the possibility that aerial spraying could be conducted in urbanized areas or "unpopulated" areas that are surrounded by or adjacent to densely populated urban centers such as the City of Oakland.

Although the City applauds the State's public announcement to study the eradication program and abandon urban aerial spraying, the FEIR does not adequately respond to the City's comments regarding aerial spraying. The FEIR continues to raise a number of questions and concerns about the State's current plans and the associated effects on Oakland residents and the surrounding environment, particularly given the FEIR's continued lack of specificity regarding its eradication program. Further, given the public disclosure requirements under CEQA and the new information included in the FEIR, the LBAM EIR must be recirculated, for further public review and comment.

Should the CDFA certify the LBAM FEIR and approve the Project over the City's stated objections, we hereby request a copy of the file-endorsed Notice of Determination.

Sincerely,



John A. Russo

cc: Mayor Ronald V. Dellums
City Council President Jane Brunner
City Councilmember Ignacio De La Fuente
City Councilmember Pat Kernighan
City Councilmember Desley Brooks
City Councilmember Larry Reid
City Councilmember Jean Quan
City Councilmember Nancy Nadel
City Councilmember Rebecca Kaplan
City Auditor Courtney Ruby
City Administrator Daniel Lindheim
CEDA Director Walter Cohen
CEDA Deputy Director Eric Angstadt