



CITY COUNCIL AGENDA REPORT

DATE: 02/05/2008

AGENDA OF: 2/12/2008

DEPARTMENT: City Council

SUBJECT: Aerial Spraying Program Resolution of Opposition. (CN)

RECOMMENDATION: Resolution opposing the California Department of Food and Agriculture Aerial Spray Program intended to eradicate the Light Brown Apple Moth.

BACKGROUND: On October 23, 2007, the City Council hosted representatives of the California Department of Food and Agriculture (CDFA) and subsequently adopted a resolution brought by Mayor Reilly on the subject of aerial spraying.

The resolution related the history of the Light Brown Apple Moth (LBAM) eradication program and also sought answers to several questions about the program.

The City of Santa Cruz later joined the County of Santa Cruz in filing suit against the program, contending that the categorical exemption from CEQA is not valid and that an Environmental Impact Report (EIR) must be performed before the LBAM aerial spraying program may proceed.

A hearing on this matter is scheduled in the court of Superior Court Judge John Burdick on February 28th. However, that hearing has now been postponed until March 6th and may be further postponed because the CDFA has not made available the administrative record for the case.

DISCUSSION: The City has taken a firm stand on the question of aerial spraying and even gone to the extent of filing a lawsuit to stop such spraying until or unless an EIR is prepared.

However, the City Council has not, before this time, had the opportunity to articulate the reasons why aerial spraying is of such great concern to our community. Significant numbers of citizens have made numerous appearances before the City Council and the County Board of Supervisors asking for a high level of attention to their concerns about the aerial spraying program.

On January 25, 2008, the City of Albany, California voiced its opposition to the controversial program by the CDFA to eradicate LBAM through aerial spraying. John Connell, Director of Plant Health and Pest Prevention Services at CDFA, told the Council that his agency still believes the moth needs to be eradicated, and that this should be accomplished through aerial spraying.

Virtually all of the concerns that are expressed in this resolution have been brought up numerous times by members of the public. But, to date, the CDFA has not addressed these concerns and has announced that it plans to resume aerial spraying in the spring of this year.

FISCAL IMPACT: None.

Submitted by:

Ed Porter
Councilmember

Mike Rotkin
Councilmember

Tony Madrigal
Councilmember

ATTACHMENTS:

Resolution