

Introduction

This Responses to Comments document has been prepared to accompany the Draft Programmatic Environmental Impact Report (Draft PEIR) for the Light Brown Apple Moth (LBAM) Eradication Program proposed by the California Department of Food and Agriculture (CDFA), Plant Health and Pest Prevention Services. The Draft PEIR identified the environmental consequences associated with a range of chemical and nonchemical treatment alternative methods/tools to eradicate LBAM from California, and proposed mitigation measures to reduce potentially significant impacts to less than significant. The Responses to Comments document presents responses to public comments received on the Draft PEIR, and it makes revisions to the Draft PEIR text and appendices, as necessary, in response to the comments. **Together with the Draft PEIR (July 31, 2009), this Responses to Comments document constitutes the Final PEIR for the LBAM Eradication Program.**

CDFA is the lead agency under the California Environmental Quality Act (CEQA) with responsibility for preparing responses to public comments and the Final PEIR. The Final PEIR is an informational document that must be considered by CDFA decision makers before approving or denying the Proposed Program. CEQA Guidelines (§15132) require the following contents for the Final PEIR:

- (a) Draft PEIR or a revision of the draft
- (b) Comments and recommendations received on the Draft PEIR, either verbatim or in summary
- (c) A list of persons, organizations, and public agencies commenting on the Draft PEIR
- (d) Responses of the lead agency (CDFA) to significant environmental points raised in the review and consultation process
- (e) Any other information added by the lead agency

1.1 ENVIRONMENTAL REVIEW PROCESS

CDFA released the Light Brown Apple Moth Eradication Program Draft PEIR on July 31, 2009 for public review (State Clearinghouse No. 2008022076). The 60-day public review and comment period began on July 31, 2009 and concluded on September 28, 2009. During this time, CDFA held seven public hearings at locations throughout the Program Area.

The State of California Governor's Office of Planning and Research State Clearinghouse and Planning Unit provided a letter dated September 29, 2009, that the CDFA has complied with the State Clearinghouse review requirements for draft environmental documents pursuant to the California Environmental Quality Act. This letter is provided herein at the end of this chapter.

The Responses to Comments document of the Final PEIR is being circulated for a 10-day final review. Section 21092.5 of the Public Resources Code requires that the lead agency provide the "written proposed response" to any public agencies that commented on the EIR at least 10 days before the lead agency certifies the document. See also State CEQA Guidelines § 15088(b). The document will also be posted to CDFA's website: www.cdfa.ca.gov/phpps/PDEP/lbam/envimpactrpt.html. Following this review and receipt of any

further comments, the CDFA Secretary A. G. Kawamura will consider these additional comments and any additional responses from staff prior to certification of the Final PEIR. Certification is a finding that the PEIR complies with the requirements of CEQA. Following PEIR certification and prior to approval of alternatives to comprise the Eradication Program, the Secretary shall make findings for each significant environmental impact that are supported by substantial evidence in the record and shall adopt the Mitigation Monitoring and Reporting Program.

Based upon material contained in the responses to comments and minor revisions of the Draft PEIR provided in the Final PEIR, recirculation of the PEIR is not required under the CEQA Guidelines Section 15088.5 because no new significant information is added to the EIR, and under subsection (b) recirculation is not required where the new information added merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

1.2 REPORT ORGANIZATION

This Responses to Comments document and Final PEIR contains the following chapters with a brief explanation of chapter contents.

- **Chapter 2. Key Comments and Master Responses:** This chapter explains two important changes to the Program proposed by CDFA and organizes comments received from many commenters into 15 “key comments” and then provides responses to those key comments. Many of the public comments received during the public review of the Draft PEIR are overlapping or similar in content. This section identifies comments frequently raised by commenters and provides comprehensive responses to those comments. These responses help to clarify Program information and technical analyses and provide an overview of several important comments. They are referenced in the responses to individual comments as appropriate.
- **Chapter 3. Public Agency Comments and Responses:** Comments received from federal (2), regional (1), and local agencies (15) are provided with CDFA responses following each letter or email.
- **Chapter 4. Organization Comments and Responses:** Twelve letters were provided from private organizations and special interest groups. CDFA responses to comments follow each letter or attachments to a letter.
- **Chapter 5. Individual Comments and Responses:** CDFA received 104 letters and emails from individuals and groups of individuals. In some cases, individuals provided multiple letters. The letters and responses are provided alphabetically.
- **Chapter 6. Public Hearing Comments and Responses:** Between August 19 and September 1, 2009, CDFA held seven public hearings throughout the state. The first hearing in Long Beach did not have anyone provide comments. Consequently, there is no transcript for the hearing. The remaining hearing transcripts of comments and responses are provided in the order the hearings were conducted (by date): Carpinteria, Fresno, Sacramento, Sonoma, Watsonville, and Oakland. Where time permitted, some speakers spoke more than once.
- **Chapter 7. Revisions to Draft PEIR:** This chapter presents minor revisions to text and appendices based on comments received or errors/errata discovered by the Draft PEIR preparers. The chemical formulations material safety data sheets (MSDS) are provided as an attachment to Appendix F. None of these text changes result in any changes to the conclusions and determinations of significant impact. In other words, no “less than significant” impacts were changed to “potentially significant” or “significant and unavoidable” impacts.

The following is a list of all public agencies (coded F, R, L), private organizations (coded O), and private individuals (coded I) who submitted written comments on the Draft PEIR during the comment period. Each letter is assigned a code that includes at least three letters for the agency, organization, or individual name. If multiple letters were submitted, they are numbered.

Public Agencies

F-Har	Office of Congresswoman Jane Harman, 36th District (El Segundo, CA)
F-MBNMS	Monterey Bay National Marine Sanctuary (US Department of Commerce, National Oceanic and Atmospheric Administration)
R-SFBRWQCB	San Francisco Bay Regional Water Quality Control Board
L-ALB	City of Albany
L-BCPUD	Bolinas Community Public Utility District
L-BERK	City of Berkeley, Office of the City Manager
L-CCCo	Contra Costa County, Department of Agriculture
L-DUB	City of Dublin, Office of the City Manager
L-EBMUD	East Bay Municipal Utility District, Director of Operations and Maintenance
L-MARCo	Marin County Board of Supervisors
L-OAK	City of Oakland, Office of the City Attorney
L-SBCoAg	County of Santa Barbara, Agricultural Commissioner's Office
L-SCCi	City of Santa Cruz, Planning and Community Development Department
L-SCCo1	County of Santa Cruz, Office of the County Counsel
L-SCCo2	County of Santa Cruz, Office of the County Counsel
L-SFCCo	City and County of San Francisco, Office of the City Attorney
L-SR	City of Santa Rosa, City Manager
L-SRafCi	City of San Rafael, Mayor

Private Organizations

O-CCOF	California Certified Organic Farmers	O-EJ	Earthjustice
O-CESP	Citizens for East Shore Parks	O-FCFB	Fresno County Farm Bureau
O-CFH	Citizens for Health	O-PFZ	Pesticide Free Zone, Inc
O-CGTFL	California Grape & Tree Fruit League and California Farm Bureau Federation	O-SC	Sierra Club
O-DSCA	Don't Spray California	O-TBA	Tomales Bay Association
		O-VOL1	Stephan C. Volker
		O-VOL2	Stephan C. Volker

Private Individuals

I-Ada	Gail Adams	I-Ber1	Kate Bernier
I-AndK	Keith Andrews	I-Ber2	Kate Bernier
I-AndR	Ramona Andre	I-Big	Tracey Bigelow
I-Ano1	Anonymous	I-Boc1	Jerilyn Bock
I-Ano2	Anonymous	I-Boc2	Jerilyn Bock
I-Arn	Lori Arnold	I-Boc3	Jerilyn Bock
I-Bar	Martha Barclay	I-Boc4	Jerilyn Bock

I-Bon	Pauline Bondonno	I-Lym2	Eleanor Lyman
I-Bor	Paulina Borsook	I-Lyn1	Mike Lynberg
I-Boz	Rebecca Bozzelli	I-Lyn2	Mike Lynberg
I-Bro	Anne Maden Brown	I-Lyn3	Mike Lynberg
I-Can	Lucy Candery	I-Mad	Janet Madden
I-Cap	Shirley Caputo	I-Mar	A Martinez resident (signature unreadable)
I-Cha1	Glen Chase		
I-Cha2	Glen Chase	I-Mau	Ann Maurice
I-Coc	Shiela Cockshott	I-Maz	Joie Mazor
I-Coh	George Cohen	I-McC	McCallen Family
I-CrossJas	Jason Cross	I-McS	L. McSpadden
I-CrossJer	Jerry Cross	I-McSw	Kit McSweeney
I-CrossJul	Julia Cross	I-Mel1	Virginia Melcher
I-Cune	Mary Cuneo	I-Mel2	Nell Melcher
I-Cunn	Angela Cunningham	I-Mil	Michelle Miller
I-Del	Don DeLaCruz	I-Mir	Sue Mironer
I-Deu	Barry Deutsch	I-Nap	Stephen Napoli
I-Eis	Jane Eiseley	I-Obe	Jeff Oberdorfer
I-Ell	Judith Elliot	I-Oco	Meave O'Connor
I-Fav	Jonathan Favis	I-Pal	Jessica Palacios
I-Fei	Marsha Feinland	I-Pec	Sue Pector
I-Gal	Linda Gallaher-Brown	I-Per	Karen Perkins
I-Gor	Rick Gordon	I-Phi	Yannick Phillips
I-Gre	Gail Greenlees	I-Ran	Jenifer Ransom
I-Gro	Rachella Grossi	I-Ros1	Rachel S Rosen-Carroll
I-Hac	Elizabeth Hack	I-Ros2	Rachel Rosen-Carroll
I-Hur	Walter Huran	I-RosDia	Diane Rose
I-Jen	Cheriel Jensen	I-Sak	Nancy Sakellar
I-Kel	Tom and Jane Kelly	I-San	Raymond Sante
I-Kirka	Bob, Pat, and Megan Kirkaldie	I-Sanc	Carla Sanchez
I-Kirkl	Bonnie Kirkland	I-Sch	James Schinnerer
I-Koc	Liz Koch	I-SchL	Lauren Schiffman
I-Kri	Clarissa Kripke	I-Sel	Moreva Selchie
I-Lab	Serge and Cheryl Labesque	I-Sha	Anne Shapiro
I-Lan	Deborah Landowne	I-She	Leslie Sheridan
I-Las	Geralyn Lasiuk	I-Sho	Charlotte Shoemaker
I-Lee	Arlene Lee	I-Ske	Sylvia Skefich
I-Lei	Melinda Leithold	I-Smi	William Smith
I-Lin	Kim Linden	I-Ste	Natalie Steinberg
I-Loe	Bobbi Loeb	I-Stew	Gail Stewart
I-Loy	Eugenia Loyster	I-Tab	Judith Tabb
I-Lym1	Eleanor Lyman	I-Van	Donna VanValer

I-War	Paul Warshow	I-Whi	Dukh Niwaran Kaur Khalsa
I-Wax	Martha Wax		Whipp
I-Wei1	Karen Weil	I-Wis1	Nan Wishner
I-Wei2	Karen Weil	I-Wis2	Nan Wishner

Public Hearings

T-Carpinteria	Transcripts of Proceedings Taken at Carpinteria, California
T-Fresno	Transcripts of Proceedings Taken at Fresno, California
T-Oakland	Transcripts of Proceedings Taken at Oakland, California
T-Sacramento	Transcripts of Proceedings Taken at Sacramento, California
T-Sonoma	Transcripts of Proceedings Taken at Sonoma, California
T-Watsonville	Transcripts of Proceedings Taken at Watsonville, California

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ARNOLD SCHWARZENEGGER
GOVERNOR

September 29, 2009

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT
DIRECTOR

Jim Rains
Department of Food and Agriculture
1220 N Street
Sacramento, CA 95814

Subject: Light Brown Apple Moth Eradiction Program
SCH#: 2008022076

Dear Jim Rains:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on September 28, 2009, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

fa: Scott Morgan
Acting Director, State Clearinghouse

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

**Document Details Report
State Clearinghouse Data Base**

SCH# 2008022076
Project Title Light Brown Apple Moth Eradiction Program
Lead Agency Food and Agriculture, Department of

Type EIR Draft EIR
Description NOTE: Review Per Lead

The CDFA's objective is to eradicate LBAM from the state of California by 2015. Eradication is to be accomplished using a variety of tools with reliance primarily on biological control methods applied in an effective and environmentally safe manner. Each method proposed under the Program is discussed as a separate alternative, with different application options under some of the alternatives.

The Program anticipated using all of the chemical and nonchemical alternatives (and options) as part of an Integrated Pest Management Program. Should any one alternative become infeasible for effectiveness, economic or environmental reasons, the other alternatives would be used. Furthermore, the quarantine, inspection, detection, and private pesticide use components of No Program would continue until LBAM eradication is achieved.

Lead Agency Contact

Name Jim Rains
Agency Department of Food and Agriculture
Phone 916-651-9371 **Fax** (916) 654-1018
email jrains@cdfa.ca.gov
Address 1220 N Street
City Sacramento **State** CA **Zip** 95814

Project Location

County
City
Region
Lat / Long
Cross Streets
Parcel No.
Township

Range **Section** **Base**

Proximity to:

Highways
Airports
Railways
Waterways
Schools
Land Use

Project Issues Agricultural Land; Air Quality; Biological Resources; Coastal Zone; Cumulative Effects; Economics/Jobs; Fiscal Impacts; Forest Land/Fire Hazard; Landuse; Noise; Other Issues; Public Services; Recreation/Parks; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Vegetation; Water Quality; Water Supply; Wetland/Riparian

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Conservation; Department of Fish and Game, Headquarters; Cal Fire; Office of Historic Preservation; Department of Parks and Recreation; Central Valley Flood Protection Board; San Francisco Bay Conservation and Development Commission; Caltrans, Division of Transportation Planning; Department of Food and Agriculture; State Water Resources Control Board, Division of Water Quality; Department of Toxic Substances Control; Native American Heritage Commission

Note: Blanks in data fields result from insufficient information provided by lead agency.

Document Details Report
State Clearinghouse Data Base

Date Received 07/31/2009 *Start of Review* 07/31/2009 *End of Review* 09/28/2009

Note: Blanks in data fields result from insufficient information provided by lead agency.

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