

Statewide Plant Pest Prevention and Management Program EIR (PEIR)

ADDENDUM 4

1. Introduction

This document is Addendum 4 (Addendum) to the Statewide Plant Pest Prevention and Management Program Environmental Impact Report (PEIR) prepared by the California Department of Food and Agriculture (CDFA). The PEIR is intended to provide the public, responsible agencies, and trustee agencies with information about the potential environmental effects of the implementation of the Statewide Plant Pest Prevention and Management Program (Statewide Program). The PEIR was prepared in compliance with the California Environmental Quality Act (CEQA) of 1970 (as amended) and the State CEQA Guidelines (Title 14, California Code of Regulations, § 15000 et seq.) (CEQA Guidelines). The PEIR was certified on December 24, 2014 by the Secretary of CDFA, Karen Ross. CDFA was the Lead Agency, and a Notice of Determination was filed with the Office of Planning and Research.

CDFA is proposing to amend the PEIR by adding the “Z” rating to the range of pest ratings available as part of the Pest Rating Process. Under CEQA, an addendum may be prepared when changes are proposed to a project that has already been approved, and those changes will not result in new significant impacts or a substantial increase in the severity of previously identified significant impacts. (CEQA Guidelines, §§ 15162, 15163, 15164.) This Addendum evaluates whether any new significant impacts or a substantial increase in the severity of previously identified significant impacts would result from implementation of the proposed program.

2. Purpose of Addendum

The purpose of this Addendum is to include the “Z” pest rating in the list of plant pest ratings specified in the PEIR. Under CEQA, the lead agency or a responsible agency shall prepare an addendum to a previously-certified EIR if some changes or additions are necessary to the prior EIR, but none of the conditions calling for preparation of a subsequent or supplemental EIR have occurred. (CEQA Guidelines, § 15164.) Once an EIR has been certified, several approaches can be used to achieve CEQA compliance for specific activities. A subsequent EIR is only required when the lead agency or responsible agency determines that one of the following conditions has been met:

- (1) Substantial changes are proposed in the project, or substantial changes occur with respect to the circumstances under which the project is undertaken, which require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects (CEQA Guidelines, § 15162 (a)(1),(2));
- (2) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
 - a. The Project will have one or more significant effects not discussed in the previous EIR;

- b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternatives (CEQA Guidelines, §

15162(a)(3).)

A CEQA Addendum is the appropriate CEQA compliance document when changes or additions are necessary to an EIR, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred. (CEQA Guidelines, § 15164(a).) The CEQA Guidelines recommend that a brief explanation of the decision to prepare an addendum rather than a subsequent or supplemental EIR be included in the record. (CEQA Guidelines, § 15164(e).)

This Addendum has been prepared because the proposed modifications to the PEIR do not meet the conditions for a subsequent or supplemental EIR. This Addendum explains why the proposed modifications would not result in new significant environmental effects nor result in a substantial increase in the severity of previously-identified significant effects. There is no new information demonstrating that the proposed modifications would have new effects or more severe effects on the environment or would change the conclusions of the previously-certified PEIR. In fact, the definition of the “Z” rating specifically states that no official control actions are authorized when a “Z” rating is given to a potential pest.

An addendum does not need to be circulated for public review, but rather can be attached to the final EIR. (CEQA Guidelines, § 15164(c).)

3. Statewide Program Environmental Impact Report Overview

CDFA is mandated to prevent the introduction and spread of injurious insect or animal pests, plant diseases and noxious weeds in California. (Food & Agricultural Code [FAC], § 403.) To accomplish this, CDFA implements the Statewide Program, an ongoing effort to protect California’s agriculture and the environment from the damage caused by invasive plant pests.

The Statewide Program encompasses a range of activities for the purpose of preventing the introduction and/or spread of quarantine pests or limiting the economic impact of regulated non-quarantine pests. Activities that would be conducted under the Statewide Program include pest risk analysis (evaluation of the pest’s environmental, agricultural, biological significance, and pest rating assignment), as per current regulation CCR 3162, identification, detection and delimitation of new pest populations, and pest management required responses that may include rapid eradication, suppression or containment, including the prevention of the movement of plant pests into and within California.

4. Proposed Modification to Statewide Program Scenario

As identified in PEIR section 2.4.1, CDFA has developed a Pest Rating Process as part of its pest risk analysis to determine the appropriate (if any) level of management response. CDFA's authority to develop a Pest Rating Process is provided in Food & Agricultural Code (FAC) Section 5261, which mandates that CDFA develop and maintain a list of invasive pests with a reasonable likelihood of entering California. The protocol for assessing this risk was established in title 3 California Code of Regulations (CCR) Section 3162. This protocol results in the assignment of a pest rating that represents the risk of the analyzed pest entering California and impacting California's agriculture and environment. PEIR section 2.4.1 contains an overview of this process and specifies that pests are assigned an A, B, C, D, or Q rating. The amendment of title 3 CCR Section 3162 will result in the addition of the "Z" rating to this list. Defined in title 3 CCR Section 3162 (j), the "Z" rating is for pests of agriculture or the environment that may be expected to score low in the professional opinion of a CDFA identifying scientist under title 3 CCR Section 3162 (b) analysis and/or that are of common occurrence and generally distributed in California. There are no authorized official control actions for a "Z" rating.

5. Analysis of Potential Environmental Impacts Associated with the Proposed Modifications

The "Z" rating will authorize no regulatory or control actions, and thus, when a potential plant pest is assigned a "Z" rating, no regulatory or control actions would occur that were not analyzed in the PEIR. Thus, the addition of the "Z" rating to the Statewide Program will not result in new significant impacts or a substantial increase in the severity of previously identified significant impacts..

6. Conclusions

The Plant Health and Pest Prevention Services Division (Plant Health Division) staff has determined that the addition of the "Z" pest rating to the Statewide Program will not result in any new significant environmental effects or a substantial increase in the severity of significant effects previously identified in the PEIR because the "Z" pest rating does not authorize any regulatory or control actions. In addition, the Plant Health Division staff determined that no new information of substantial importance exists, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, that would require the preparation of a subsequent EIR..

7. References

PROGRAM ENVIRONMENTAL IMPACT REPORT. CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE Statewide Plant Pest Prevention and Management Program. 2014. Horizon Water and Environment, LLC.

California Code of Regulations, Title 3. Food and Agriculture, Section 3162

California Food & Agricultural Code Division 1. Provisions and Definitions, Section 403

California Food & Agricultural Code Division 4. Plant Quarantine and Pest Control, Section 5261

California Environmental Quality Act Guidelines, Title 14, Section 15162, 15163 & 15164.