



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 3/2/2010
Agenda Placement: 7D

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Greg Clark for David Whitmer - Agricultural Commissioner
Agricultural Commissioner
REPORT BY: Marcia Blackmon, Admin Office Assistant - 253-4960
SUBJECT: Revenue Agreement with the California Department of Food and Agriculture

RECOMMENDATION

Agricultural Commissioner/Sealer of Weights and Measures requests approval of and authorization for the Chair to sign the renewal of revenue Agreement No. 7065 with the California Department of Food and Agriculture (CDFA) for a maximum of \$190,770 for the term July 1, 2009 through June 30, 2010 for reimbursement of expenditures for activities related to Light Brown Apple Moth exclusion program.

EXECUTIVE SUMMARY

The authorization of this agreement with CDFA provides for reimbursement to the County for services provided from July 1, 2009 through June 30, 2010. These activities consist of implementing Federal Domestic Quarantine order Epiphyas postvittana (Light Brown Apple Moth) DA-2007-42, including implementation of regulations for parallel California State Interior Quarantine, CCR 3434, and to conduct emergency response activities as a result of detections of light brown apple moth in regulated establishments.

FISCAL IMPACT

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| Is there a Fiscal Impact? | Yes |
| Is it currently budgeted? | Yes |
| Where is it budgeted? | Funding from CDFA State Agreement is budgeted in the Department's FY2009-2010 budget, but the original amount budgeted in revenue line 45009100 for LBAM exclusion was \$64,883 based upon estimated workload at the time of budget preparation. The agreement before the Board today |

totals \$190,770 which is an increase of \$125,887 and reflects the significant increase in LBAM work activity that has occurred since the FY09-10 budget was approved. The new total of the contract will offset departmental expenditures for reimbursement of LBAM exclusion activities. The revenue line also includes revenue from an agreement with CDFA for Sudden Oak Death regulatory activities totaling \$9,452 which totals \$74,335 budgeted.

Is it Mandatory or Discretionary? Mandatory

Is the general fund affected? Yes

Future fiscal impact: There is no future fiscal impact past this current fiscal year; however, the Agricultural Commissioner likely will be entering into another agreement with CDFA for similar LBAM exclusion activities performed between July 1, 2010 and June 30, 2011 (FY2010-11).

Consequences if not approved: County will not receive reimbursement for program activities already performed as part of the LBAM regulatory work for Napa County.

Additional Information:

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

Federal Domestic Quarantine order *Epiphyas postvittana* (Light Brown Apple Moth) is to prevent the spread of the Light Brown Apple Moth (LBAM) through regulatory authority provided by Section 412(a) of the Plant protection Act of June 20, 2000, as amended, 7 U.S.C. 7712(a), which authorizes the Secretary of Agriculture to prohibit or restrict the movement in interstate commerce of any plant, plant part, or article if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination of a plant pest within the United States.

Light Brown Apple Moth (LBAM) was first discovered in the San Francisco Bay Area in the late fall of 2006. Since then, it has been detected in 16 counties, from Sonoma to Los Angeles. A Federal Domestic Quarantine order (DA-2007-42) was established on May 2, 2007 that required, in addition to other actions, additional LBAM trapping to ensure continued interstate movement of regulated articles. Although initial LBAM trapping efforts involved placing traps alongside existing detection traps, the federal order involved additional traps and efforts beyond that originally anticipated. The Agricultural Commissioner's Office subsequently participated in the emergency project and performed pest detection activities as well as working to ensure the regulatory aspects of the program were communicated and followed by the public.

In May 2007, a single LBAM was discovered in a trap in the City of Napa, resulting in increased program activities to delimit or determine if the moth that was found was part of infestation or just a single find not part of a larger population. The delimitation trapping resulted in no additional moths being found. However, the State and Federal government subsequently placed a quarantine on a 1.5 mile radius around the find area and initiated ground treatment of approximately 94 properties in the quarantine area to eradicate any LBAM that might have been present. The quarantine was later lifted after completion of the ground treatments. However, in late July and early August 2008, two LBAM were found in traps placed in the Carneros area. One of the finds was located on Duhig

Road and the other find was on Ramal Road in Sonoma County. Given the close proximity of the moths to one another, a quarantine was placed over much of the two county Carneros region. In the Fall of 2008 LBAM were found in traps located in and around American Canyon which also resulted in a quarantine being established in that area.

In early 2009 LBAM were starting to be found in traps placed in the northeast area of Napa and another quarantine was established. The quarantines continued to increase in size as additional LBAM were found and consolidated together along with a newer, ever expanding quarantine area encompassing almost all of the City of Napa and all of Yountville up to the Oakville Grade and Oakville Cross Road. This established quarantine area requires the Agricultural Commissioner to conduct activities to minimize the possibility of LBAM lifestages moving outside of the quarantined areas. This involves educating producers of LBAM host commodities of the insect, its biology, and how it might be found on harvested produce. Compliance Agreements are issued which describe how commodities must be handled, transported and processed at destination wineries. Similar work is done with green waste haulers, maintenance gardeners, community gardens, farmer's markets, etc.

This renewed agreement with CDFA provides for the reimbursement of costs associated with performing LBAM regulatory duties and related activities in Napa County from July 2009 through June of 2010 as described above and allocates \$190,770 as required. This reimbursement is an increase of \$125,887 over the \$64,883 that was initially budgeted and included in the final approved budget for FY 09-10. The increased amount reflects the ever increasing regulatory workload caused by the continual finding of additional LBAM and subsequent enlargement or creation of quarantine areas.

The Department did not receive this contract from CDFA until December 16, 2009 as a result of the State's challenges formulating and approving a State budget, as well as developing and allocating sufficient resources to counties while LBAM continues to spread geographically. The Agricultural Commissioner is now presenting it to the Board for approval of revenue to be received this fiscal year for services rendered during this current fiscal year. This agreement with CDFA provides for the reimbursement of costs associated with performing pest exclusion activities for LBAM in Napa County from July 1, 2009 through June 30, 2010 as described above and allocates \$190,770 as required.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi