



October 9, 2015

Christopher Calfee, Senior Counsel
Governor's Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

RE: 2015 Proposed Changes to California Environmental Quality Act (CEQA) Guidelines

Dear Mr. Calfee:

On behalf of the Mosquito and Vector Control Association of California (MVCAC), we appreciate the opportunity to comment on the August 2015 Proposed Updates to the California Environmental Quality Act (CEQA) Guidelines. In previous MVCAC communication regarding the CEQA Guidelines to the Office of Planning and Research (OPR) and the Natural Resources Agency (February 14, 2014), we noted our appreciation for your consideration of the serious public health consequences from diseases transmitted by mosquitoes and other vectors.

MVCAC represents more than 65 special districts, other subdivisions of local government, and the state of California which are responsible for mosquito and vector control, surveillance of West Nile virus and other vector-borne diseases, as well as public education programs to help Californians understand the impacts of these diseases. MVCAC's job is to work with and collaborate with other state and local agencies to ensure that mosquito and vector control activities across the state are able to effectively safeguard public health while protecting the environment. In particular, we have a solid working relationship with the California Department of Public Health where we collaborate with them to reduce the spread of diseases and reduce the need to use pesticides. Taking these proactive measures will correct a pervasive planning oversight and better ensure protection of the environment and the public health for all citizens of California.

We are also striving to work with the State Water Resources Control Board, regional water quality control boards and the Department of Fish and Wildlife to educate them about MVCAC's best management practices (BMPs) and the relationship to storm water management and habitat management, particularly the potential impacts that certain projects can have on mosquito and vector control with the rise of West Nile virus and other emerging threats that have been increasing over the years. These emerging vectors include new invasive mosquito species that can spread deadly diseases, including the Asian tiger mosquito (detected in 2011 in Southern California) and the yellow fever mosquito – *Aedes aegypti* (detected in 2013 in Northern California). This is also compounded by the effects of climate change and the resulting challenges it will have in controlling mosquitoes and other vectors.

With this in mind, the emerging role that CEQA will play in addressing climate change in California has been the topic of much discussion and debate in recent months. Although much of this discussion has focused on greenhouse gas emissions, climate change is having a significant impact on the incidence of emerging and resurging vector-borne disease and has favored increased vector densities.

Mosquito abatement and vector control districts are charged in state law with managing and controlling populations of mosquitoes and other vectors to protect residents from nuisance and disease. Under the California Health and Safety Code (HSC sections 2000-2910), mosquito and vector control districts are authorized to protect public health by taking *“any and all necessary or proper actions to abate or control vectors and vector-borne diseases.”* As such, districts are charged with legally abating a public nuisance which is generally defined as *“any water that is a breeding place for vectors”* and/or *“any activity that supports the development, attraction or harborage of vectors, or that facilitates the introductions or spread of vectors.”*

The CEQA process is intended to inform the public of the potential environmental effects of proposed government decisions and to encourage informed decision-making by public agencies. In addition, CEQA obligates public agencies to consider less environmentally-damaging alternatives and adopt feasible mitigation measures to reduce or avoid a project’s significant impact. However, one of our primary concerns is that many poorly designed or inadequately maintained mitigation projects have unintentionally become significant sources of mosquito production, adversely impacting communities, businesses and recreational open spaces. These projects have also disrupted the balance and diversity of natural environments. The impacts of urban development, project mitigation, and restoration of aquatic habitats often lead to increased mosquito production if not properly designed and maintained. Even small amounts of standing water can prove to be significant mosquito breeding areas. But this can all be avoided or minimized if these projects consider the long-term implications of mosquito production in the planning, design, and maintenance objectives at the onset, with little or no cost to the project proponent.

We recognize many local governments have done a good job improvising from existing CEQA guidelines and other planning tools to begin to address this issue. However, a significant gap exists between state regulations and the resources that most local planning agencies need to address vector issues in the planning process. To address these concerns, we believe there needs to be an inclusion of mosquito and vector control considerations as a preventive planning measure in the CEQA process or through technical advisory guidance that can be facilitated between lead agencies and project proponents. As noted in the background summary of the Proposed Guidelines - *“Updating the Environmental Checklist,”* it recommends proposed amendments to Appendix G of the CEQA Guidelines to address areas such as wildfire risk and clarifications on groundwater use. As noted in the background, there is currently a sample initial study format which asks a series of questions and is used to assist lead agencies in determining whether a project may cause a significant impact on the environment. As specified under Section 15063 of the CEQA Guidelines, a determination is made about those impacts based on a range of environmental resources and potential impacts.

Although not every issue can be identified in the checklist since each region is impacted differently and there are conditions affecting one area that may not affect others, there are a number of issues pertaining storm water management and development projects that could make it more challenging to control mosquito populations and abate certain vectors. With that in mind, we recommend there be a role for planners to consider mosquito and vector control issues as part of the checklist in Appendix G to ensure projects take into account these issues when planning projects. This is not meant to be a burdensome procedure or an opportunity to delay or challenge certain projects. However, adding these public health vector control considerations to the checklist would be a first step in ensuring that vector issues are appropriately addressed early in the project planning process in environmental documents.

To that end, MVCAC has widely distributed a so-called "CEQA White Paper" entitled, "***How Better Planning and Use of the California Environmental Quality Act Can Prevent Mosquitoes and Vector-Borne Disease.***"¹ The White Paper discusses the benefits for developers, natural resources and public health when adding vector control considerations to local government project planning and design. It presents a number of case studies which identify problems and recommended solutions specific to the local planning and review process and is intended to be a tool for local governments and other lead agencies to manage, analyze, and address the impacts of mosquito and vector breeding inherent in certain types of projects. It also discusses how BMPs can deliver low cost methods of water features to reduce mosquito habitat and the spread of disease. This is increasingly essential in light of tightened pesticide regulations, the encroachment of development into wetlands and wildlands, on-site water retention required by Low Impact Development standards (LID) and grey-water recycling and water conservation efforts.

We appreciate the opportunity to present the white paper to you and your colleagues earlier this year. We look forward to continue working with OPR and The Natural Resources Agency on these emerging state and local planning issues as the proposed CEQA guidelines proceed through the rulemaking process. It is our goal to make sure that mosquito and vector control districts have adequate input early in the planning process to avoid any potential impacts or unintended consequences that certain projects may have on mosquito control and abatement. The inclusion of appropriate language and considerations in local General Plans, local CEQA guidelines and planning guidelines will assist project planners to minimize or avoid mosquito and vector production in CEQA approved projects while reducing costs for project proponents and property owners, and saving taxpayer dollars.

Again, thank you for considering our concerns. If you have any questions, please feel free to call me at (916) 448-2162 or I can be reached via email at bwhite@ka-pow.com.

Sincerely,



Brian White

¹ MVCAC CEQA White Paper, www.mvcac.org – "Legislation/Advocacy – White Papers."