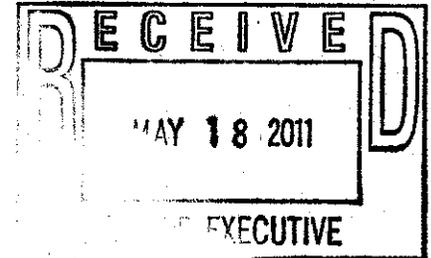




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May 19, 2011

State Water Resources Control Board
Jeanie Townsend, Clerk to the Board
P.O. Box 100
Sacramento, CA 95812-2000



RE: Comment Letter – CEQA - Wetland Area Protection Policy & Regulations

Dear members of the State Water Resources Control Board,

On behalf of the Mosquito and Vector Control Association of California (MVCAC), I would like to thank you for the opportunity to provide comments on environmental concerns of the Wetland Area Protection Policy (Policy).

MVCAC and our member agencies agree that additional mosquito production may occur both directly and indirectly as a result of the implementation of the proposed Policy. The Public Health and Vector Control mitigation measures detailed in the EIR accurately portray the issues facing public health; however some of the mitigation measures mentioned warrant additional clarification.

1. Refer users to The Best Management Practices for Mosquito Control in California manual

Although a wide diversity of mosquito control techniques, operations, climate and environmental conditions within the State of California; there are common features in wetland design, maintenance, and monitoring that can be incorporated for mosquito control and prevention. The California Department of Public Health (CDPH) recently released The Best Management Practices for Mosquito Control in California (BMP) manual (available for download from <http://www.westnile.ca.gov/resources.php>).

The EIR notes that mosquito districts may require “a wide range of mitigation measures” to be implemented, but this BMP manual and other similar locally adopted manuals will ultimately serve as the basis for recommendations for physical source reduction or prevention. Consequently, it would be more appropriate to adopt the term “Mosquito Control BMPs” in place of the term “mitigation measures” in the EIR to avoid confusion by the end users.

2. Eliminate the reference to netting as a viable mosquito control method in wetlands

On page 55, paragraph 4 includes netting as a mosquito mitigation technique. We recommend removing this recommendation. While fine netting (“screens”) can be effective for excluding mosquitoes from small sources (such as rain barrels), it is an impractical mosquito control measure on large-scale mosquito sources such as wetlands. The BMP manual addresses the basic requirements of BMP implementation to reduce or eliminate mosquito production in constructed wetlands.

3. Encourage consultation with local mosquito and vector control agencies

The State of California has of 74 mosquito control agencies, covering approximately two-thirds of the area of State of California and 80% of its population. Where no formal mosquito control agency exists, the



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California Department of Public Health (CDPH) acts as the lead agency, and would offer consultation on wetland BMPs as appropriate.

This policy's mitigation measures for newly created wetlands suggest that all plans would be submitted to local vector-control agencies for review. We support of this consultation for review of new wetlands, in addition to annual management plan review for existing managed wetlands. All plans should contain adequate assurances that the policies set forth in the BMP manuals have been implemented. While proper initial site design may reduce or prevent mosquito and vector production, it is critical to include routine site maintenance and management of the original wetland design as a key factor in sustainable mosquito control.

- 4. Consider the potential for conflict between the California Health and Safety Code and this Policy**
We have identified a potential conflict between the California Health and Safety Code and this proposed Policy, which may adversely affect the implementation of BMPs. Existing state law (Health & Safety Code §2060) holds the property owner responsible for abating the public nuisance of mosquitoes and other vectors on his property. As result of implementing the proposed Policy—including the new wetland definitions—the implementation of some mosquito-reducing BMPs may be limited in areas that may now or could potentially be considered a wetland.

We appreciate your dedication to addressing vector control and public health issues as part of wetland management and regulations, and we look forward to working with you as you develop the three phases of the proposed Policy.

Sincerely,

Robert Gay
President