



THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND

ENVIRONMENTAL AFFAIRS

Department of Agricultural Resources

**State Reclamation and
Mosquito Control Board**

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Boston, MA 02114-2151

<http://www.mass.gov/agr/mosquito/index.htm>



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Friday, October 24, 2008

Secretary Ian A. Bowles
Attn: MEPA Office
100 Cambridge Street, Suite 900
Boston MA 02114

Dear Secretary Bowles:

On Friday, October 3, 2008, the State Reclamation and Mosquito Control Board ("the Board") met with MEPA Director, Alicia McDevitt, receiving further direction and guidance pertaining to certificates #5027 dated February 15, 2008 and October 25, 1998. The first EIR update, as directed in the certificate, was due within six months. Regretfully, the Board was unable to meet the deadline and would like to file this update as requested including the Board's plan to meet the information needs outlined in the February 15, 2008 certificate.

To date, the Board has submitted an update titled the **Massachusetts Best Management Practices and Guidance for Freshwater Mosquito Control** ("the BMP") on November 26, 2007. This document includes best management practices (BMPs) and operational guidance for mosquito control activities conducted in freshwater wetland resource areas.

Resubmitting the BPM with Revisions

As a result of public review, the Board is resubmitting this document with revisions based upon the public comments received. Specifically, the Board made the following changes:

1. Incorporated language provided by the Natural Heritage Endangered Species Program to clarify their programmatic requirements;
2. Clarified in the BMP that, as discussed in MassDEP's Stormwater Management handbooks, the owners of the property that develop the stormwater BMPs, or municipalities that "accept" them through local subdivision approval, are responsible for their operation and maintenance to ensure that the BMPs are operating effectively. Essentially, answering public comments to clarify that the Board and its mosquito control districts are not responsible for the operation and maintenance of stormwater BMPs, but that these structures can be included in the MCDs larvicide treatment plans and MCDs can alert local municipalities when they encounter poorly maintained BMPs;
3. Strengthened the BMP language insuring that the mosquito control districts will survey the project site for mosquito larvae during the standard site inspections to insure the BMP practice is effective in the short and long term. Mosquito dip counts and other post project observations on mosquito breeding viability will be recorded on the field inspection forms. Additionally, the Board has requested that MCDs develop a post- project monitoring procedure before the next mosquito season which will be appended to the BMP as an update.

Submitting Responses to Public Review Comments

Along with the aforementioned revisions, the Board is attaching its responses to comments received during the public review on other mosquito control related issues.

Request for Extension

At this point in time, the Board respectfully requests an extension in order to more fully meet the EIR update outlined in both certificates of February 15, 2008 and October 25, 1998. *Note: Both of these certificates are attached.* The Board anticipates it will reach its goal by the end of March, 2009.

Upcoming Submissions

As discussed with Director McDevitt, the Board expects to file revised Open Marsh Water Management (OMWM) standards along with a document that provides a 10-year review and evaluation of OMWM by the end of the year. Currently, a workgroup has been formed by Coastal Zone Management (CZM) to assist the Board and other MCDs with ongoing state environmental review of OMWM under MEPA, Federal Consistency, and 401 Water Quality Certification. The focus of the work group will be to recommend a monitoring design and integrated protocols that can measure and allow reporting on (1) the effectiveness of mosquito control through salt marsh habitat modifications that increase the presence of mosquito larvae-feeding fish species (primarily *Fundulus* spp.) and (2) effects on the ecology and functioning of the affected environment and will not pose unreasonable new resource demands on the Districts.

Board Request for Response (RFR) For Consultant Services

The Board has recently posted an RFR with the intent of hiring a consultant to assist the Board and MCDs in addressing other issues outlined in the February 15th certificate. The Scope of Services outlined in the RFR includes the following:

- 1) Prepare a draft final report outline for SRMCB review and approval.
- 2) Assist SRMCB in addressing issues raised in comment letters received by the Secretary of EOEEA.
- 3) Summarize the current mosquito control organization and discuss the changes that have occurred over the past 10 years closing the knowledge gap circa 1998 - 2008.
- 4) Summarize policy, administrative and other steps taken by SRMCB since issuance of the 1998 GEIR.
- 5) Describe what and how mosquito control is being currently conducted, how it has changed, and how it has not changed highlighting any improvements and revisions. Improvements can be highlighted by incorporating existing documents maintained by the SRMCB that can be incorporated into the report or referenced as appendices such as Massachusetts state review of a common larvicide used by mosquito control projects called methoprene, Mass DPH workgroup reports, recently adopted policies, and operational reports for each regional mosquito control project, and newly developed Best Management Practices (BMPs).
- 6) Describe the process of how decisions are made to use pesticides and/or to response to public health situations. This section should highlight and define in crystal clear fashion the use of Integrated Pest Management (IPM) and how the mosquito control projects use it to monitor results to measure the effectiveness and impacts of mosquito control practices. This section can highlight a review of studies done elsewhere on the same practices in similar habitats and cite any Massachusetts data too. This section would catalogue changes in pesticide products and inventory the current products in use now.
- 7) Discuss limiting factors for current mosquito control practices including but not limited to municipal finance/budget concerns to be regionally sustainable, lack of resources and personnel to conduct peer review research, and operational limitations for example spraying at dusk.
- 8) Provide a conclusion section that provides a work plan and schedule for developing additional information and procedures to assess and guide SRMCB's mosquito control program for the future if additional resources were available.

The RFR is attached to this letter.

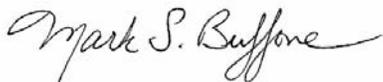
Other Documents attached

The Board also respectfully provides the following documents which pertain to both public comments received and the Secretary's Certificate.

1. 2008 MassDPH Arbovirus Surveillance and Response Plan
2. 2008 Operational Response Plan to Reduce The Risk of Mosquito-Borne Disease in Massachusetts
3. 2006 Aerial Spray Final Summary Reports for August 8th and 9th, and August 22nd through 24th
4. Choice of Anvil 10+10 for Aerial Mosquito Control Memo dated July 28, 2006
5. 2006 EPA Final Report dated March 6, 2007 on use of Anvil 10+10
6. Board letter dated March 4, 2002 to MEPA Director
7. Request for Response (RFR) For Consultant Services

The Board hopes that this filing and upcoming submissions will comply with the Certificate issued February 15, 2008.

Sincerely,

A handwritten signature in cursive script that reads "Mark S. Buffone".

Mark S. Buffone
Chairman

October 24, 2008 MEPA Filing from State Reclamation and Mosquito Control Board Package and Attachments

- 1) Cover Letter
- 2) Revised Massachusetts Best Management Practices and Guidance for Freshwater Mosquito Control dated October 24, 2008
- 3) Board Responses to Public Comments dated October 24, 2008
- 4) MEPA Certificate #5027 dated February 15, 2008
- 5) MEPA Certificate #5027 dated October 25, 1998
- 6) Request for Response (RFR) For Consultant Services
- 7) 2008 MassDPH Arbovirus Surveillance and Response Plan
- 8) 2008 Operational Response Plan to Reduce The Risk of Mosquito-Borne Disease in Massachusetts
- 9) 2006 Aerial Spray Final Summary Report for August 8th and 9th
- 10) 2006 Aerial Spray Final Summary Report for August 22nd through 24th
- 11) Choice of Anvil 10+10 for Aerial Mosquito Control Memo dated July 28, 2006
- 12) 2006 EPA Final Report dated March 6, 2007 on use of Anvil 10+10
- 13) Board letter to MEPA Director dated March 4, 2002

CC: Anne Monnelly, DCR SRMCB Member
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