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January 16, 2009

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
ENVIRONMENTAL IMPACT REPORT UPDATE

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| PROJECT NAME | : Mosquito Control Program |
| PROJECT MUNICIPALITY | : Statewide |
| PROJECT WATERSHED | : Statewide |
| EOEA NUMBER | : 5027 |
| PROJECT PROPONENT | : Department of Agricultural Resources - State Reclamation and Mosquito Control Board |
| DATE NOTICED IN MONITOR | : November 10, 2008 |

As Secretary of Energy and Environmental Affairs, I hereby determine that this project **continues to require** programmatic review pursuant to the Massachusetts Environmental Policy Act (G.L. c.30, ss. 61-62I) and its implementing regulations (301 CMR 11.00).

Project Description

The State Reclamation and Control Board (SRMCB), the Proponent, is comprised of one representative each from the Department of Environmental Protection (MassDEP), the Department of Food and Agriculture (DFA) and the Department of Environmental Management (DEM) and exercises responsibility for nine mosquito control districts (MCDs) in Massachusetts (Berkshire County, Bristol County, Cape Cod, Central Massachusetts, East Middlesex County, Norfolk County, Plymouth County, Suffolk County, and the North east Massachusetts Mosquito Control and Wetlands Management District (formerly Essex County MCP).

The Proponent submitted a GEIR filing to the MEPA Office in 1998 to incorporate into a single document information on the methods and environmental impacts of mosquito control and eradication in Massachusetts. The GEIR focused primarily on salt marshes, their respective pest mosquito problems and the effectiveness of related mosquito control activities. The Secretary's Certificate on the GEIR (December 18, 1988), reflected the purpose of the GEIR and required the Proponent to provide annual updates to supplement the GEIR with additional information to document the effectiveness of the Proponent's mosquito control techniques and their impact on the environment.

The Proponent submitted the first annual GEIR Update report on November 26, 2007 that included best management practices (BMPs) and operational guidance for mosquito control activities conducted in freshwater wetland resource areas. This GEIR Update provided important information pertaining to mosquito control activities in freshwater wetland resource areas in Massachusetts, but also served to illustrate the need for more comprehensive information about the effectiveness of the Proponent's mosquito control polices, projects and monitoring activities. The GEIR Update also included the Proponent's request that its future submissions be reviewed under the Special Review Procedures provided in the MEPA Regulations (301 CMR 11.09).

In a Certificate issued on February 15, 2008, I established a Special Review Procedure (SRP) to replace the GEIR format and requiring the Proponent to continue its efforts the form of an "EIR Update" report, its mosquito control polices, management practices and monitoring activities for freshwater, open marsh, and chemical mosquito control activities throughout the Commonwealth since the GEIR was published. In addition, the Proponent was required to include in the first EIR Update a proposed workplan and schedule for subsequent EIR Update filings, subject to guidance provided in the Scope for the first EIR Update.

## REVIEW OF THE FIRST EIR UPDATE

The first EIR Update includes documents and information that provide a brief and general description of the Proponent's ongoing freshwater, and chemical mosquito control activities. The first EIR document does not include the additional information required in the Scope issued for the GEIR Update pertaining to the Proponent's workplan and schedule for developing additional information and procedures to monitor and evaluate the effectiveness of mosquito control activities and their impact on the environment. I am requiring the Proponent to provide this information as a component of the requirements to be included in the Scope for the 2nd EIR Update described in this Certificate.

The first EIR Update includes the following documents and information:

1. Mosquito control plans, analyses, policies and management practices that the Proponent has developed and implemented since the GEIR was filed including;

- Massachusetts Best Management Practices and Guidance for Freshwater Mosquito Control, (Revised October 24, 2008);
- Operational Response Plan to Reduce Risk of Mosquito-Borne Disease in Massachusetts, (Revised October 22, 2008);
- 2008 Massachusetts Arborvirus Surveillance & Response Plan (MA Department of Public Health (DPH));
- Pesticide Related Illness Surveillance: Summary Report, September 26, 2006, (DPH);
- EEE Adulticide Spraying (Round 2) , September 11, 2006 (DAR SRMCB);
- EEE Aerial Spray, August 18, 2006 (DAR SRMCB);
- Choice of Anvil 10+10 for Aerial Mosquito Control, July 28, 2006, Michael Celona; and,
- Final Report to EPA for use of Anvil 10+10 in MA, March 6, 2007, (DAR SRMCB).

2. Response to Comments – This section of the EIR Update submittal includes the Proponent's responses to comments received on the 1997 GEIR and the 2007 GEIR Update.

3. Request for Responses, September 26, 2008, (DAR SRMCB) - The EIR Update also includes a copy of a Request for Responses (RFR) issued by the Proponent seeking a consultant's services to assist in the preparation and submittal to the MEPA Office of a second EIR Update (2nd EIR Update) containing additional information and documentation in response to the February 15, 2008 Certificate on the GEIR and this Certificate on the EIR Update.

Freshwater Management

According to the Proponent, the BMPs and Operational Guidance for mosquito control activities conducted in freshwater wetland resource areas has been revised in response to comments received on the GEIR Update. As described in the first EIR Update, private property owners are responsible for properly maintaining stormwater BMPs. The Proponent has committed to alerting local municipalities regarding poorly maintained BMPs and may include these poorly maintained BMPs in the Proponent's mosquito control activities for larvicide treatment. The Proponent has committed to develop and implement a post-project monitoring program for mosquito control activities conducted in freshwater wetland resource areas. The Proponent, through its nine MCDs will monitor project sites located in freshwater wetland resource areas where mosquito control activities have been conducted to evaluate the effectiveness of the Proponent's BMP activities.

Open Marsh Water Management

As described in the EIR Update, the Proponent is working closely with Massachusetts Coastal Zone Management (CZM) and others to finalize its BMPs, operational guidance and standards for mosquito control and monitoring activities conducted in open marsh resource areas (Open Marsh Water Management Plan (OMWM)). The OMWM will include a monitoring program that will measure and report on the effectiveness of the Proponent's open marsh mosquito control activities.

Monitoring Mosquito Control Activities

As described in the information provided in the first EIR Update, the Proponent, through the nine MCDs, currently conducts post-mosquito control monitoring and uses the monitoring results in guiding its mosquito control activities. The first EIR Update did not provide information describing the Proponent's current monitoring activities, results of its monitoring work, or how these results have been used to enhance the Proponent's mosquito control program.

According to the comments received from Massachusetts Coastal Zone Management (CZM), the Natural Heritage and Endangered Species Program (NHESP), MassAudubon and others, a key component missing from the Proponent's Mosquito Control Program is a comprehensive monitoring program that can be used to quantify and evaluate the effectiveness of the Proponent's past and ongoing freshwater, open marsh, and chemical mosquito control activities on the control of mosquito populations and the effects of these mosquito control practices on freshwater and coastal resources. A comprehensive monitoring program would provide important quantifiable information that can be incorporated into the Proponent's mosquito control activities and BMPs and provide action thresholds for management decisions made within an integrated pest management (IPM) matrix.

## SCOPE FOR SECOND EIR UPDATE

The goals of this programmatic review are: to evaluate past and current mosquito control practices; to identify and act upon new information derived from the monitoring activities conducted by the Proponent and others; to improve the Proponent's existing freshwater, open marsh, and chemical mosquito control activities based upon the new information gathered; to ensure that the public health is protected and to ensure impacts to the environment are minimized. As described above, a comprehensive monitoring program would provide critically important information with which to evaluate the effectiveness of the Proponent's mosquito control activities, modify best management practices and establish action thresholds for mosquito control management decisions within an IPM matrix.

In addition to the mosquito control monitoring plan, the Proponent must provide in the 2nd EIR Update the additional information requested in the Scope for the first EIR Update including the EIR Update Workplan and Schedule, and the Open Marsh Water Management mosquito control and monitoring program plans. The 2nd EIR Update should also include a response to the comments received on the first EIR Update. The Proponent should use these comments and the Scope for the Second EIR Update (2nd EIR Update), outlined below, in preparing the 2nd EIR Update. The Proponent shall file its 2nd EIR Update within six months of the date of this Certificate.

EIR Update Workplan and Schedule

The 2nd EIR Update must include a workplan and schedule for developing additional information and procedures to assess and guide the Proponent's mosquito control program.

Open Marsh Water Management (OMWM) Program

The 2nd EIR Update must include Best Management Practices (BMPs), policies and standards pertaining to the Proponent's mosquito control and monitoring activities in salt marsh habitats (Open Marsh Water Management).

Mosquito Control Monitoring Program

As discussed above, the 2nd EIR Update document must include a detailed description of the Proponent's mosquito control monitoring program to measure the effectiveness and impacts of the Proponent's ongoing and future freshwater, open marsh, and chemical mosquito control activities. In a separate section of the 2nd EIR Update, the Proponent should describe its ongoing and proposed mosquito control monitoring activities. The mosquito control monitoring program should identify the number and location of freshwater and open marsh sites to be monitored and the proposed frequency of monitoring activities. The Proponent should identify the monitoring parameters used and the methods of analyzing and presenting the findings and results of its monitoring data. The mosquito control monitoring program should describe how the Proponent incorporates the monitoring results into its mosquito control BMPs, and how these monitoring results may be used to establish program action thresholds. In addition to the information obtained directly from its mosquito control monitoring activities, the Proponent should describe how its monitoring activities may be supplemented with available information from studies and/or monitoring results derived from mosquito control activities completed in similar habitats located outside of Massachusetts.

The Proponent's proposed mosquito control monitoring program should also identify opportunities to coordinate with state permitting and resource agencies, non-governmental organizations and members of the general public to develop and implement targeted mosquito control monitoring studies in Massachusetts. The Proponent should consult with CZM, the Department of Public Health, NHESP and MassAudubon during the preparation of this section of the 2nd EIR Update.

Mosquito Control Program Review

The Proponent should compile and publish an annual report of its mosquito control activities and monitoring results. The 2nd EIR Update should identify a process by which the Proponent will publish and seek annual public review and comment of its mosquito control and monitoring activities. The mosquito control annual report should also be submitted to the MEPA Office for publication in the Environmental Monitor. Copies of this annual report should also be provided to the municipal officials and public libraries for the Towns located within the nine MCDs in Massachusetts. Concurrently with the publication of the mosquito control annual report, the Proponent should commit to convene one annual public meeting for each of the nine MCDs to invite public review and comment of the Proponent's mosquito control program and monitoring results. The Proponent's submittal of subsequent EIR Updates to the MEPA Office should include a copy of the most recent mosquito control annual report and a summary of the Proponent's public meetings process.

I expect that the Proponent will coordinate closely with the state permitting and resource agencies to identify opportunities to leverage agency resources (e.g., mapping, fieldwork, wetlands ecology expertise) to ensure the development of a comprehensive and consistent program of mosquito control and monitoring policies and activities for mosquito control in Massachusetts. The 2nd EIR Update should include an update of the Proponent's state agency coordination efforts.

Response to Comments

The 2nd EIR Update must include a response to comments received on the November 2008 EIR Update. This Response to Comments section should include copies of all comment letters listed at the end of this Certificate.

Circulation

The 2nd EIR Update should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should also be sent to the list of "comments received" at the end of this Certificate.

Copies of the 2nd EIR Update should also be circulated to the municipal officials and public libraries for the Towns located within the nine mosquito control districts in Massachusetts (Berkshire County, Bristol County, Cape Cod, Central Massachusetts, East Middlesex County, Norfolk County, Plymouth County, Suffolk County, and the North east Massachusetts Mosquito Control and Wetlands Management District (formerly Essex County MCP).

January 16, 2009
DATE

Ian A. Bowles, Secretary

Comments received:

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| 12/30/08 | MassAudubon |
| 12/30/08 | Jones River Watershed Association |
| 12/30/08 | Alexandra Dawson |
| 12/30/08 | Massachusetts Association of Conservation Commissions |
| 12/29/08 | Massachusetts Coastal Zone Management |
| 12/29/08 | Manomet Center for Conservation Services |
| 12/29/08 | Town of Wrentham, Conservation Commission |
| 12/04/08 | Tim Fohl |
| 12/10/08 | Martha Dansdill |
| 12/29/08 | Sudbury Valley Trustees |
| 12/22/08 | Curtis L. Turner |
| 01/14/09 | Natural Heritage and Endangered Species Program (NHESP) |

IAB/NCZ/ncz
#5027 EIR Update