



MVCAC

Mosquito and Vector Control
Association of California

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August 24, 2010

Secretary Lester Snow
Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

RE: Proposed Changes to the California Environmental Quality Act (CEQA)
Initial Study Checklist to Include Public Health and Vector Control Considerations

Dear Secretary Snow:

I would like to bring to your attention the need to include public health and vector control considerations in the California Environmental Quality Act (CEQA) Initial Study Checklist (IS Checklist). The proliferation of disease-carrying mosquitoes and other vectors could be minimized or prevented most effectively during the environmental review process by incorporating relevant vector minimization questions into a necessary separate "Public Health and Safety" section of the IS Checklist. This would enable a given lead agency to properly evaluate and minimize potential vector control issues and concerns prior to and following a project's implementation. This letter represents our continued effort to raise awareness about the critical need to include preventive public health concerns in the CEQA review process, as we believe that our previous requests have received poor consideration by your predecessor and staff (See Attachments 1 & 2).

The Mosquito and Vector Control Association of California (MVCAC) is a public service association with over 60 member agencies committed to protecting the public through control of vectors and vector-borne disease. Its membership includes mosquito and vector control districts and county/municipal environmental health programs, with support from the California Department of Public Health (CDPH), the University of California, and the California Department of Fish and Game. Member agencies are charged under the California Health and Safety Code (Sections 2000-2090) to protect the citizens of California from vectors and vector-borne diseases. This association strongly believes that now is the time to amend CEQA to address the following issues:

- 1) Climate change and changing water policy will both increase and spread vector borne-diseases;
- 2) Public health agencies are underfunded and hampered by fewer available mosquitocides and ever-increasing restrictions in the use of these materials;
- 3) Vector control can be accomplished while reducing the use of pesticides, by introducing the idea of source reduction in the Initial Study Checklist; and
- 4) Vector control issues should be given State-level recognition for consistency in avoiding preventable costly problems.

Currently, CEQA Guidelines and Appendix G Environmental Checklist Form or Initial Study Checklist (IS Checklist) do not consider the public health, even when projects may allow the development of vectors and vector-borne disease. Many projects have unintentionally created significant vector breeding habitat, placing the public at greater risk for disease. This increases the need for pesticide applications to control vectors. If vector control considerations were included in the IS Checklist, projects that have potential to encourage vector production would receive further evaluation and possible mitigation under CEQA. Lead agencies could work with local agencies to modify projects to minimize these unintended consequences of vector production. This would translate into preventive and

effective vector minimization during the planning, design, and maintenance stages of a proposed project. Reducing vector production would also help to defray overall taxpayer costs associated with pesticide application, reduce additional vector control costs, and minimize the need to initiate legal abatement proceedings when vector-producing areas are not properly maintained by responsible entities, such as landowners.

Current environmental policy under The Clean Water Act now requires public health agencies to comply with National Pollutant Discharge Elimination System (NPDES) permitting for the application of pesticides, which also increases cost and further limits vector control options. CEQA-regulated projects with the potential to impact wetlands, involve water management, or expose people to increased vector activity need be subject to review. Careful evaluation of such projects during the pre-construction phase would greatly reduce the need for additional, costly, unnecessary vector control services that could have otherwise been prevented.

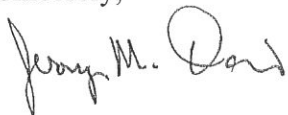
As vector control agencies, we also have an obligation to conduct our essential vector control activities in the most environmentally sensitive and sustainable way practicable. By working cooperatively with lead agencies and project proponents, we can implement practical solutions for minimizing vectors, enhancing water quality, and protecting natural resources, and, thus, this fulfills both public health and environmental protection goals.

MVCAC proposes that you support the inclusion of the proposed, attached additions to the IS Checklist (Attachment 3) as a series of questions under a new IS Checklist item, "Public Health and Safety" to identify the resource(s) needing protection. The introductory statement refers the lead agencies to the Health and Safety Code and to appropriate local mosquito and vector agencies that could provide guidance and direction for evaluating and minimizing vector risks.

We urge you to please support incorporating practical CEQA Guidelines that will reduce vectors and nuisance pests, pesticides use, and the threat to California residents from diseases such as West Nile virus, dengue fever, and the re-emerging threat of malaria. Additionally, I would like to request a meeting with you and the Director of the State Clearinghouse to discuss additional suggestions and strategies that would further enhance vector control awareness, and lead to the development of a special CEQA Technical Advisory to provide specific vector minimization guidance to appropriate state-level planners, lead agencies, and developers.

We thank you for your support in protecting the citizens of California and the environment.

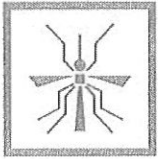
Sincerely,



Jerry Davis
President

cc Cynthia Bryant, Director of the Governor's Office of Planning and Research
Scott Morgan, Acting Director of the State Clearinghouse
Bill Monning, California State Assemblymember, 27th District

ATTACHMENT 1



MVCAC

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June 9, 2009

Mr. Michael Chrisman
California Secretary for Natural Resources
1416 Ninth St., Suite 1311
Sacramento, CA 95814

RE: Proposed Changes to the California Environmental Quality
Act (CEQA) Initial Study Checklist to Include Vector Control Issues

Dear Secretary Chrisman:

Thank you for the opportunity to bring to your attention the need to include vector control as a public health and safety item on the California Environmental Quality Act (CEQA) Initial Study Checklist. As you are aware, SB97 has mandated the addition of greenhouse gas emissions and climate change considerations to CEQA Guidelines, and your agency is currently reviewing the proposed recommendations from the Governor's Office of Planning and Research. Climate change and other environmental factors that influence impacts to the public health resource need to be not only more clearly recognized but also adequately mitigated. Therefore, it is an opportune time for amendments to CEQA which effectively address these issues:

- 1) Climate change will increase and spread vector borne-diseases
- 2) Public health pest reduction can be effectively accomplished through the Initial Study Checklist

The Mosquito and Vector Control Association of California (MVCAC) is a public service association with over 60 member agencies, committed to protecting public health through control of mosquito- and vector-borne diseases and distribution of information to the public. The MVCAC members include mosquito and vector control districts and county/municipal environmental health programs, with support from the California Department of Public Health (CDPH), the University of California, and the California Department of Fish and Game. These member agencies are charged under the California Health and Safety Code (Sections 2000-2090) to protect the citizens of California from vectors and vector-borne diseases. (Vector: e.g.: mosquitoes, flies, ticks, rodents, yellow jackets, fleas, lice, etc.)

These agencies have long recognized that the CEQA Guidelines and Appendix G Environmental Checklist Form or Initial Study Checklist (IS Checklist) do not consider the impacts of projects on public health when such projects may affect the abundance or distribution of vectors and vector-borne disease. This has resulted in many projects that have created

significant vector breeding and habitat, placing the public at greater risk for disease and increasing the need for pesticide applications to control these vectors.

If vector control considerations were included in the IS Checklist, projects that could have such hazards would be considered to have a potentially significant environmental impact and would therefore receive further evaluation and possible mitigation under CEQA. Lead agencies would be alerted to vectors and could work with local agencies to modify projects to minimize these unintended consequences, substantially reducing the risk of vector-borne disease in California. Additionally, it would reduce the demand for vector control services, thereby decreasing cost burdens on tax payers and the amount of pesticides applied to control vectors.

Today we have an obligation to conduct essential public health pest control activities in the most environmentally sensitive and sustainable way. Responsive measures to control pests often, by necessity, involve intervention by means of legal abatement or pesticide treatments. It therefore makes sense to ensure that CEQA-regulated development projects that have the potential to impact wetlands, involve water management or expose people and wildlife to mosquitoes, rodents or flies be subject to review. By mitigating activities and development that can have water quality impacts, both wildlife protection and public health goals are served.

For example, some NPDES-regulated stormwater treatment structures that hold permanent sources of standing water by design create a difficult challenge for public health officials and vector control agencies and may pose a legal liability under the Mosquito Abatement and Vector Control District Law (Health and Safety Code division 3, chapter 1, commencing with section 2000). These treatment structures such as flood-control basins and constructed wetlands often provide aquatic habitats suitable for mosquitoes and other vector species as an unintended consequence of their implementation. Checklist questions would guide planners to obtain guidelines from public health experts regarding structures and maintenance schedules that would reduce mosquito control interventions.

In August 2007, Governor Schwarzenegger issued an Emergency Proclamation regarding West Nile Virus. In the proclamation, the Governor directed the CDPH, the Resources Agency and other departments to develop a guidance document to address mosquito control practices on all state owned or managed properties. The resulting publication, titled “Best Management Practices for Mosquito Control on California State Properties”, was released in early August 2008. This document serves as a basis for our proposed changes to the IS Checklist (See Attachment 1).

Ironically, the current Initial Study Checklist screens for impacts such as noise, threats to visual resources, natural resources, and cultural resources while threats to public health, including mosquitoes and other vectors, which can disseminate widely to affect human and animal health, are not considered significant enough to be recognized on the checklist. In those few instances where lead agencies address vector issues in their locally-modified CEQA Checklists there is considerable variation in how and where vectors are considered within the document. For example, if mentioned at all, vectors may be treated under “Hazards” or “Water Quality” and are often embedded in a question in which vectors are not the primary focus. These inconsistencies and the inadequate treatment of vector issues only exacerbates the problem by confusing the respondents and decision makers, further emphasizing the need for vector considerations to have state-wide consistency on the State IS Checklist.

Having vector control considerations added to the CEQA Initial Study Checklist would be an important first step in ensuring that vector control issues are adequately addressed in environmental documents. This addition would translate into preventive planning, design, and maintenance of project features to avoid or minimize vector production. Vector control considerations are widely applicable to the vast majority of project types subject to CEQA review and should therefore be included on the IS Checklist for all projects. Some of the features that are incorporated into residential, commercial, industrial, or capital improvement projects which should consider vector production include: stormwater treatment control BMPs, created wetland/riparian habitat or restoration projects, pond or lake features, animal facilities, rock quarries, project landscaping, and mixed use trails or corridors.

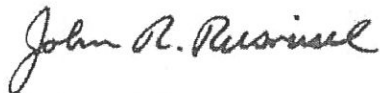
More and more evidence suggests a link between the spread of tropical diseases and climate change. Researchers speculate that as average temperatures increase, “species of arthropod vectors may disperse beyond their current geographic boundaries” (Higgs 2009). This, coupled with other factors which influence globalization of diseases like West Nile Virus and the Chikungunya Virus, are justification for having vector associated public health concerns incorporated into the current proposed amendments to the CEQA Guidelines which address climate change as related to greenhouse gas emissions required by SB97.

In the interest of offering the public an appropriate level of protection, the MVCAC proposes the attached additions to the IS Checklist (Attachment 2). It may be most appropriate for vector control considerations to be added to the IS Checklist as a series of questions under a new IS Checklist item, “Public Health and Safety” to identify the resource needing protection. The lead-in statement refers the lead agencies to the Health and Safety Code and to local mosquito and vector agencies that could provide advice and guidelines for evaluating vector risks and reduction measures.

Please consider this sensible planning measure that will reduce vectors, the use of pesticides and the threat to California from diseases such as West Nile Virus, emerging diseases such as dengue and the re-emerging threat of malaria.

We thank you for your help in assisting MVCAC members to better serve the citizens of California and the environment.

Sincerely,



John Rusmiser
President
MVCAC

cc Cynthia Bryant, Director of the Governor's Office of Planning and Research
Ken Miller, General Counsel, Natural Resources Agency
California State Senate Environmental Quality Committee
Senator Joe Simitian, 11th District
Senator George Runner, 17th District
Senator Roy Ashburn, 18th District
Senator Ellen Corbett, 10th District
Senator Loni Hancock, 9th District
Senator Alan Lowenthal, 27th District
Senator Fran Pavley, 23rd District



July 10, 2009

Mr. John Rusmisl
President
Mosquito and Vector Control Association of California
1215 K Street, Suite 2290
Sacramento, CA 95814

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JUL 15 2009

ALAMEDA COUNTY
MDSQ. ABAT. DIST.

Dear Mr. Rusmisl,

Thank you for your June 9, 2009, letter suggesting certain amendments to the Appendix G Environmental Checklist in the State Guidelines Implementing the California Environmental Quality Act ("CEQA"). Specifically, your letter suggested adding several questions to Appendix G to assist lead agencies in determining whether proposed projects may increase vector-related hazards. The Natural Resources Agency (Agency) appreciates the efforts of the Mosquito and Vector Control Association of California to protect public health in California and to raise awareness of the public health implications of project design.

As you may know, the Public Resources Code requires that the State CEQA Guidelines be updated at least once every two years. On July 3, 2009, the Agency published a Notice of Proposed Rulemaking to consider proposed amendments to the State CEQA Guidelines addressing the analysis and mitigation of greenhouse gas emissions pursuant to SB97 (Statutes 2007, Chapter 185). As indicated in the Notice for the current rulemaking cycle, comments on the proposed amendments submitted during the written comment period will be considered and responded to pursuant to the Administrative Procedures Act. Your letter was submitted prior to the commencement of the public comment period for the 2009 rulemaking; therefore, we assume that your proposal is separate from the proposed action at issue in the current rulemaking process. This letter constitutes the Agency's response to your proposal.

The Agency has considered, and appreciates, your proposal; however, for the reasons set forth below, we believe amendments of Appendix G as suggested in your proposal is not warranted at this time.

Appendix G is intended to provide a sample checklist that may assist lead agencies to evaluate the potential environmental impacts resulting from proposed projects. The checklist is only a sample and should be tailored to the lead agency's particular

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July 10, 2009

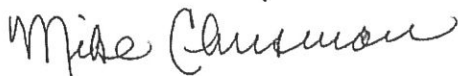
circumstances. (State CEQA Guidelines, § 15063(f).) Further, the analysis for a project must consider evidence of potential environmental impacts, even if such impacts are not specifically listed on the Appendix G checklist. Thus, the inclusion of vector control questions in the Appendix G checklist would not require lead agencies to include analysis of such issues in their environmental documents, nor does the lack of such questions in the checklist excuse lead agencies of such an analysis if substantial evidence warrants it.

Other aspects of the CEQA Guidelines, moreover, already require analysis of vector control issues where substantial evidence indicates that a project may cause such adverse effects. For example, section 15065(a)(4) requires a finding of significance and preparation of an environmental impact report where the "environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly." This finding is currently reflected in section XVII(c) of the existing Environmental Checklist in Appendix G.

Your letter mentioned that vector control issues should be addressed in particular where certain mitigation measures, such as detention basins, are required to protect water quality. In that circumstance, section 15126.4(a)(1)(D) requires analysis of the potential adverse effects resulting from a project's mitigation measures. Where an Environmental Impact Report (EIR) is prepared for a project, section 15086(a)(3) requires the lead agency to consult with, among others, "[a]ny ... local agencies which have jurisdiction by law with respect to the project or which exercise authority over resources which may be affected by the project[.]" Thus, the local vector control agency would have the opportunity to provide input on the specifics of the project and its location.

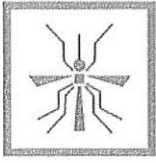
Thus, because the existing CEQA Guidelines already require analysis of vector control issues where substantial evidence indicates that a project may cause such effects, the Resources Agency does not believe that amendment of the Appendix G Environmental Checklist is necessary at this time. We thank you for your thoughtful input.

Sincerely,



Mike Chrisman, Secretary
California Natural Resources Agency

ATTACHMENT 2



MVCAC

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Christopher Calfee, Special Counsel
ATTN: CEQA Guidelines
California Resources Agency
1017 L Street, #2223
Sacramento, CA 95814
Facsimile: (916) 653-8102
CEQA.Rulemaking@resources.ca.gov

August 27, 2009

RE: Comments on Proposed CEQA Guideline Amendments

Dear Mr. Calfee,

The Mosquito and Vector Control Association of California (MVCAC) is a public service association with over 60 member agencies, committed to protecting public health through control of mosquito and vector-borne disease and distribution of information to the public. As public agencies governed under the California Health and Safety Code (Sections 2000-2093) we would like to provide the comments detailed below on the proposed regulatory action to adopt the Proposed CEQA Guideline Amendments pursuant to SB97. We find that public health and more specifically vector control considerations have historically not been adequately addressed in the CEQA Guidelines or on the Initial Study Checklist or Appendix G Environmental Checklist. This oversight has resulted in the avoidable creation of countless numbers of mosquito breeding sites and vector favorable habitats in a variety of development projects and habitat creation/restoration projects statewide for decades. As a result it has needlessly placed the public at higher risk of infection by vectors (i.e., mosquitoes) which transmit diseases like the deadly West Nile virus.

Unfortunately, the current Proposed CEQA Guideline Amendments continue to overlook the significance of addressing public health issues specifically vector control and this time ignores the direct impact that green house gas emissions (GHG) and climate change have on the production of vectors and their spread. In the enclosed Attachment 1, we first voiced and detailed our concerns about this to Secretary Chrisman of your agency in a letter dated June 9, 2009. Our request for consideration of this issue was met with dismissal in a response letter dated July 10, 2009 from Mr. Chrisman (see Attachment 2). We are disappointed that the California Natural Resources Agency, thus far, has not appreciated the importance of having vector control considerations clearly and distinctly incorporated into the CEQA Guidelines or on Appendix G Environmental Checklist also known as Initial Study Checklist. It is our hope that with further examination your agency might better recognize this imperative need to explicitly include vector control related questions on the Initial Study Checklist.

As SB97 mandates guidelines to address GHG emissions and climate change these and other environmental factors influence impacts to the "resource" of public health. This needs to be

adequately addressed and mitigated for and the most effective way to accomplish this is through the addition of vector control related questions on the Initial Study Checklist. It is an opportune time for amendments to CEQA which effectively address these issues:

- 1) GHG emissions and climate change will increase and spread vector borne-diseases
- 2) Public health pest reduction can be effectively accomplished through the Initial Study Checklist
- 3) Minimization of vectors through policy changes and efficient planning strategies reduces the need for pesticide application for control of vectors

More and more evidence suggests a link between the spread of tropical diseases and climate change. Researchers speculate that as average temperatures increase, “species of arthropod vectors may disperse beyond their current geographic boundaries” (Higgs, 2009). This, coupled with other factors which influence globalization of diseases like West Nile Virus and the Chikungunya Virus, are justification for having vector associated public health concerns incorporated into the current proposed amendments to the CEQA Guidelines.

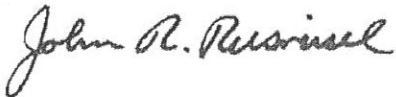
Further in response to Gov. Schwarzenegger's November 2008 Executive Order S-13-08 your agency has lead the preparation of the 2009 California Climate Adaptation Strategy. The draft of the aforementioned document identifies anticipated impacts to public health, one of seven sectors evaluated, as a result of climate change and provides recommendations on how to manage against those threats. In Section IV on page 38 there is a sub-section which specifically identifies the vector-borne disease risks and impacts as a result of rise in sea level. It would follow that if your agency sees fit to address these impacts in this important document then at a minimum equal attention should be given to addressing impacts to public health as they relate to vector production and the spread of vector borne-disease by including such considerations on the Initial Study Checklist.

In the interest of offering the public an appropriate level of protection, the MVCAC proposes the attached additions to the Initial Study Checklist (Attachment 3). It may be most appropriate for vector control considerations to be added to the Initial Study Checklist as a series of questions under a new Initial Study Checklist item, “Public Health and Safety” to identify the resource needing protection. The lead-in statement refers the lead agencies to the Health and Safety Code and to local mosquito and vector agencies that could provide advice and guidelines for evaluating vector risks and reduction measures.

Please consider this sensible planning measure that will reduce vectors, the use of pesticides and the threat to California from diseases such as West Nile virus, emerging diseases such as dengue and the re-emerging threat of malaria.

We thank your agency in assisting MVCAC members to better serve the citizens of California and the environment.

Sincerely,

A handwritten signature in cursive script that reads "John R. Rusmiser".

John Rusmiser
President
MVCAC

cc Mike Chrisman, Secretary of the California Natural Resources Agency
Cynthia Bryant, Director of the Governor's Office of Planning and Research
Terry Roberts, Director of the State Clearing House
Joe Simitian, California State Senate Environmental Quality Committee

Letter 43

John Rusmisl
President
Mosquito and Vector Control Association of California

August 27, 2009

Comment 43-1

Commenter recognizes the CEQA Guideline amendments overlook the significance of addressing public health issues, specifically vector control and direct impacts that GHG emissions and climate change have on vectors and their spread.

Response 43-1

The Natural Resources Agency appreciates the efforts of the Mosquito and Vector Control Association of California to protect public health in California and to raise awareness of the public health implications of project design. The Association submitted a letter to the Natural Resources Agency requesting changes to the Appendix G checklist prior to the publication of the Notice of Proposed Action in this rulemaking package. The Secretary for Natural Resources responded to that letter explaining why the proposed changes were not necessary. That letter explained in particular:

Appendix G is intended to provide a sample checklist that may assist lead agencies to evaluate the potential environmental impacts resulting from proposed projects. The checklist is only a sample and should be tailored to the lead agency's particular circumstances. (State CEQA Guidelines, § 15063(f).) Further, the analysis for a project must consider evidence of potential environmental impacts, even if such impacts are not specifically listed on the Appendix G checklist. Thus, the inclusion of vector control questions in the Appendix G checklist would not require lead agencies to include analysis of such issues in their environmental documents, nor does the lack of such questions in the checklist excuse lead agencies of such an analysis if substantial evidence warrants it.

Other aspects of the CEQA Guidelines, moreover, already require analysis of vector control issues where substantial evidence indicates that a project may cause such adverse effects. For example, section 15065(a)(4) requires a finding of significance and preparation of an environmental impact report where the "environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly." This finding is currently reflected in section XVII(c) of the existing Environmental Checklist in Appendix G.

Your letter mentioned that vector control issues should be addressed in particular where certain mitigation measures, such as detention basins, are required to protect water quality. In that circumstance, section 15126.4(a)(1)(D) requires analysis of the potential adverse effects resulting from a project's mitigation measures. Where an EIR is prepared for a project, section 15086(a)(3) requires the lead agency to consult with, among others, "[a]ny ... local agencies which have jurisdiction by law with respect to the project or which exercise authority over resources which may be affected by the project[.]" Thus, the local vector control agency would have the opportunity to provide input on the specifics of the project and its location.

(Letter from Secretary Chrisman to John Rusmisl, July 10, 2009.) Thus, the Natural Resources Agency has not overlooked vector control issues in this rulemaking package; rather, as explained above, inclusion of vector control issues were determined to be unnecessary given the existing text.

The Association has submitted new comments specifically on the Natural Resources Agency's proposed amendments. Those specific comments and objections are addressed below.

Comment 43-2

SB 97 requires the development of CEQA Guidelines to adequately address GHG emissions and climate change and other environmental factors influencing impacts to the "resources" of public health. Commenter believes to most effectively achieve this goal is through the addition of vector control related questions in the Appendix G Initial Study Checklist.

Response 43-2

In SB97, the Legislature directed the Office of Planning and Research and the Natural Resources Agency to develop and adopt guidelines on the effects of individual projects' greenhouse gas emissions and the mitigation of those greenhouse gas emissions pursuant to CEQA. SB97's seemingly sweeping language referring to the "effects of greenhouse gas emissions" generally, enacted in section 21083.05 of the Public Resources Code, must be read in context. That section immediately follows section 21083, which required the development of guidelines for the "orderly evaluation of projects" to implement CEQA. (Public Resources Code, § 21083(a).) While CEQA's underlying purpose is protection of the environment, it does so at a micro-level by requiring analysis of environmental impacts resulting from the implementation of individual projects. (Public Resources Code, § 21002 ("public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects") (emphasis added).) Thus, in enacting SB97, the Legislature required the development of guidelines to analyze effects of an individual project's greenhouse gas emissions, and if those emissions would result in significant effects, guidelines to mitigate that project's significant emissions. The focus of this rulemaking package is limited, therefore, to greenhouse gas emissions specifically, and not other effects that may be caused by climate change generally.

Moreover, as explained in Response 43-1, above, the existing CEQA Guidelines already address public health issues. Further revisions are not required in response to this comment.

Comment 43-3

Revise the amendments to address: (1) the spread of vector borne diseases due to GHG emissions and climate change; (2) incorporate pest control in the Initial Study Checklist; and (3) change policy and planning strategies to minimize vectors and need for pesticides.

Response 43-3

Regarding the spread of vector-borne diseases due to climate change, as explained in the Initial Statement of Reasons, CEQA does not typically require the analysis of the effects of the environment on a project. The existing CEQA Guidelines already address the limited circumstances under which such an analysis may be appropriate.

Several comments submitted as part of the Natural Resources Agency's SB97 rulemaking process urged it to incorporate the draft California Climate Adaptation Strategy into the CEQA Guidelines. In considering such comments, it is important to understand several key differences between the California Adaptation Strategy and the California Environmental Quality Act. First, the Adaptation Strategy is a policy statement that contains recommendations; it is not a binding regulatory document. Second, the focus of the Adaptation Strategy is on how we can change in response to climate change. CEQA's focus, on the other hand, is the analysis of greenhouse gas emissions from a particular project, and mitigation of those emissions if they are significant. Given these differences, CEQA should not be viewed as the tool to implement the Adaptation Strategy; rather, as indicated in the Strategy's key recommendations, advanced programmatic planning is the primary method to implement the Adaptation Strategies.

There is some overlap between CEQA and Adaptation, however. As explained in both the Initial Statement of Reasons and in the Draft Adaptation Strategy, section 15126.2 may require the analysis of the effects of a changing climate under certain circumstances. Having reviewed all of the comments addressing the effects of climate change, the Natural Resources Agency revised the proposed amendments to include a new sentence in Section 15126.2 clarifying the type of analysis that would be required.

Specifically, the new sentence calls for analysis of placing projects in areas susceptible to hazards, such as floodplains, coastlines, and wildfire risk areas. Such analysis would be appropriate where the risk is identified in authoritative maps, risk assessments or land use plans. According to the Office of Planning and Research, at least sixty lead agencies already require this type of analysis. (California Governor's Office of Planning and Research. (January, 2009). The California Planners' Book of Lists 2009. State Clearinghouse. Sacramento, California, at p. 109.) This addition is reasonably necessary to guide lead agencies as to the scope of analysis of a changing climate that is appropriate under CEQA.

As revised, section 15126.2 would provide that a lead agency should analyze the effects of bringing development to an area that is susceptible to hazards such as flooding and wildfire (i.e., potential upset of hazardous materials in a flood, increased need for firefighting services, etc.), both as such hazards currently exist or may occur in the future. Several limitations on the analysis of future hazards, however, should apply. For example, such an analysis may not be relevant if the potential hazard would likely occur sometime after the projected life of the project (i.e., if sea-level projections only project changes 50 years in the future, a five-year project may not be affected by such changes). Additionally, the degree of analysis should correspond to the probability of the potential hazard. (State CEQA Guidelines, § 15143 (“significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence”).) Thus, for example, where there is a great degree of certainty that sea-levels may rise between 3 and 6 feet at a specific location within 30 years, and the project would involve placing a wastewater treatment plant with a 50 year life at 2 feet above current sea level, the potential effects that may result from inundation of that plant should be addressed. On the other extreme, while there may be consensus that temperatures may rise, but the magnitude of the increase is not known with any degree of certainty, effects associated with temperature rise would not need to be examined. (State CEQA Guidelines, § 15145 (“If, after thorough investigation, a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate the discussion of the impact”).) Lead agencies are not required to generate their own original research on potential future changes; however, where specific information is currently available, the analysis should address that information. (State CEQA Guidelines, § 15144 (environmental analysis “necessarily involves some degree of forecasting. While seeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can”) (emphasis added).)

The revision in section 15126.2 is consistent with the general objective of the Adaptation Strategy and is consistent with the limits of CEQA. Not all issues addressed in the Adaptation Strategy are necessarily appropriate in a CEQA analysis, however. Thus, the revision in section 15126.2 should not be read as implementation of the entire Adaptation Strategy. Unlike hazards that can be mapped, however, other issues in the Adaptation Strategy, such as the health risks associated with higher temperatures, may not allow a link between a project and an ultimate impact. CEQA does not generally require an analysis of the changing environment that results purely from other projects. (State CEQA Guidelines, § 15130(a)(1) (an “EIR should not discuss impacts which do not result in part from the project evaluated in the EIR”).) No evidence in the rulemaking record before the Natural Resources Agency suggests that the science has developed sufficiently to enable a lead agency to determine an individual project’s impact on, for example, increases in vector-borne diseases caused by climate change. Thus, the Natural Resources Agency declines to revise the Appendix G checklist to suggest that such analysis is required even where no tools are available to perform such an analysis. As explained in the Note preceding Appendix G, however, “[s]ubstantial evidence of potential impacts that are not listed on this form must also be considered.” Thus, if evidence exists in the record regarding a project’s significant impact on vector-borne diseases, that evidence would need to be considered in an EIR. Therefore, the Natural Resources Agency declines to revise Appendix G to include questions related to vector-borne diseases caused by climate change.

Regarding the second and third issues raised in this comment, Response 43-1, above, explained that the existing text in the CEQA Guidelines already accounts for vector-borne diseases where evidence suggests an impact. No further revisions are required to respond to this comment.

Comment 43-4

Since the draft 2009 California Climate Adaptation Strategy recognized threats related to vector-borne diseases, the CEQA Guidelines should also be revised to incorporate considerations of vector-borne disease risks and impacts to public health.

Response 43-4

As explained in Response 43-3, above, there are significant differences between the use and scope of the draft Adaptation Strategy and the CEQA Guidelines. Only certain issues raised in the Adaptation Strategy are appropriate subjects of CEQA analysis. Response 43-1, above, explains why the existing text of the CEQA Guidelines already adequately accounts for vector-borne diseases and impacts to public health. Thus, further revisions to the CEQA Guidelines are not necessary.

Comment 43-5

Amend Appendix G Initial Study Checklist to include a new item: Public Health and Safety.

Response 43-5

The proposed initial study checklist questions addressing public health concerns exceed the scope of the proposed action. Further, Response 43-1, above, explained why revision of the existing text of the CEQA Guidelines is not necessary to address public health concerns. No further revisions are required in response to this comment.

Comment 43-6

Commenter recommends amendments clearly recognize climate change and other environmental factors that influence public health impacts.

Response 43-6

As explained in Response 43-3, above, CEQA generally does not require analysis of the effects of climate change on a project. The comment does not provide any evidence that would allow a lead agency to analyze the impact of an individual project on the spread of vector-borne diseases. As explained in the Note preceding Appendix G, however, “[s]ubstantial evidence of potential impacts that are not listed on this form must also be considered.” Thus, if evidence exists in the record regarding a project’s

significant impact on vector-borne diseases, that evidence would need to be considered in an EIR. Therefore, the Natural Resources Agency declines to revise Appendix G to include questions related to vector-borne diseases caused by climate change.

ATTACHMENT 3

PROPOSED CEQA QUESTIONS – PREFERRED ALTERNATIVE 1

XVII. Public Health and Safety	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>Vector Control -- To determine whether Public Health & Safety may be significantly impacted, lead agencies should refer to the California Health & Safety Code § 2000-2093 for definitions and liabilities associated with the creation of habitat conducive to vector production and to guidance provided by the local mosquito and vector control districts/agencies in their determination of environmental impacts. Would the project:</p>				
<p>a) Increase the potential exposure of the public to disease vectors and public nuisance organisms (including but not limited to mosquitoes, rodents, fleas and ticks) that can transmit diseases to humans and other animals, cause a significant risk of harm, injury, death or otherwise have a substantial adverse effect on quality of life?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>b) Create or contribute standing water for more than 96 hours, either above or below ground, conducive to the production of mosquitoes, or other vectors defined in the California Health and Safety Code which can include wetlands, stormwater treatment control BMPs, animal facilities, or any other shallow stagnant water feature?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>c) Increase the potential exposure of the public to flies (e.g. midges, black flies, house flies) that can cause respiratory problems, adversely effect on quality of life, and/or degrade property values?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>d) Increase the potential exposure of the public to rodents by providing additional rodent harborage due to trash and debris accumulation or rodent-favorable landscaped habitats?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>e) Increase the populations of vectors (e.g. fleas, ticks) or human-wildlife interactions that enhance the risk of wildlife- and vector-borne disease transmission through the establishment of habitat conducive to wildlife or wildlife movement within or through the urban matrix?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Impede or prevent vector control/public health professionals from performing duties or activities associated with protecting the public from vector-borne disease risks, or impose structural or regulatory impediments which may inadvertently encumber control activities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PROPOSED CEQA QUESTIONS –ALTERNATIVE 2

XVII. Public Health and Safety

Vector Control -- To determine whether Public Health & Safety may be significantly impacted, lead agencies should refer to the California Health & Safety Code § 2000-2093 for definitions and liabilities associated with the creation of habitat conducive to vector production and to guidance provided by the local mosquito and vector control districts/agencies in their determination of environmental impacts. Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Increase the potential exposure of the public to disease vectors (i.e., mosquitoes, ticks, and rats)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Increase potential mosquito/vector breeding habitat (i.e., areas of prolonged standing/ponded water like wetlands or stormwater treatment control BMPs)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>