

CHAPTER 3.Q

UNAVOIDABLE ADVERSE IMPACTS

Unavoidable adverse impacts occur when a proposed project results in significant adverse impacts for which there are no reasonably practicable mitigation measures, and for which there are no reasonable alternatives to the proposed project that would meet the purpose and need of the action, eliminate the adverse impact, and not cause other or similar adverse impacts.

A. PUBLIC HEALTH

All of the active ingredients and certain inert ingredients have been linked to skin and eye irritation in humans. There would be potential adverse skin and eye irritation impacts to people who are sensitive to the active and inert ingredients. These adverse effects could occur among workers and residents who are directly exposed to the adulticides, especially due to direct contact near the point of application. While these potential adverse impacts would be reduced by public information announcements (both in the media and by police vehicles escorting ground applications), it is assumed that not all of the population would be able to avoid direct contact with the adulticides and, therefore, this would result in potential unavoidable adverse impacts from skin and eye irritation.

B. NATURAL RESOURCES

The predicted potential significant adverse impacts on crustaceans from runoff if rain occurs after applications of malathion over a large land area (such as Brooklyn and Queens which drain into Jamaica Bay) would be unavoidable significant adverse impacts. Crustaceans in Jamaica Bay and in inlet bays that exhibit similar characteristics of limited tidal flushing and have stormwater discharge points would potentially be impacted by malathion. Although not expected to be significant adverse impacts, there would be predicted unavoidable adverse impacts from the application of adulticides to aquatic life from stormwater runoff. With the projected maximum number of adulticide applications—up to 10 in the same area over a 3-month period, these short-term losses in localized areas near the discharge of runoff after a rain event are not expected to significantly reduce individuals at the population level. It is expected that individuals of the same species would repopulate areas that are affected by such localized losses.

There would also be some adverse impacts and loss of non-target insects and other terrestrial arthropods from all of the active ingredients as a result of the proposed *Mosquito-Borne Disease Control Program*, and these potential adverse impacts are considered to be unavoidable adverse impacts.

C. WATER QUALITY

The predicted exceedance of the malathion water quality standard after rain events in runoff from large land areas to tidal creeks would also be an unavoidable adverse impact, as would the predicted exceedance of the malathion water quality standard in Jamaica Bay and similar inlet bays with

stormwater outfalls and limited tidal flushing. These impacts were predicted if a large area of the drainage basin is subjected to adulticide applications, and rain occurs after the applications.

If malathion is applied under this program to large land areas which drain to inlet bays, water monitoring of the runoff to such bays would be performed to determine whether the conservative estimates of malathion predicted in the runoff would occur. If the monitored levels are as great as those predicted, this would result in an unavoidable adverse impact.

D. NOISE

Potential significant adverse noise impacts from either low flying aircraft or truck application of adulticides with police warning announcements in front of the trucks are expected.

The predicted significant adverse impacts on noise from aircraft applications would result from relatively low flying aircraft, which would have to fly at limited heights (between 100 and 300 feet) in order for the adulticides to be effective. Therefore, such impacts could not be mitigated. With respect to the significant adverse noise impacts from truck operations, such impacts would result from the combination of the truck and a police escort vehicle announcing to warn people about the spraying. This warning vehicle's purpose is to produce announcements that the public can hear, and, therefore, it will produce short-term noise levels that are noticeable and may be considered to be intrusive. Since the function of the police warning announcement is to notify the public and minimize potential direct impacts on the public, the noise impacts from such operations would not be mitigated.

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