

Response to Comments – September 30, 2011

Basin Plan Amendment - Pesticide Prohibition & Exemption Criteria

(Comment deadline 5 p.m., May 13, 2011)

California Department of Fish and Game

http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/comments051311/cdfg.pdf

Comments

Response



State of California -The Natural Resources Agency
DEPARTMENT OF FISH AND GAME
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Sacramento, CA 95811
916-327-8840

EDMUND G. BROWN, Jr. Governor
JOHN McCAMMAN, Director



May 13, 2011

Ms. Mary Wagner
Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Boulevard
South Lake Tahoe, California 96150

Dear Ms. Wagner:

The California Department of Fish and Game (Department) has reviewed the Proposed Amendments to the Water Quality Control Plan for Lahontan Region: Pesticide Prohibition with Exemption Criteria. We are appreciative of the efforts that have been put forth to provide an objective evaluation of the need and necessary protections for the use of aquatic pesticides.

Aquatic pesticides are a critical tool for fisheries management agencies to use for the protection, restoration, or enhancement of aquatic resources in unique circumstances. The proposed amendments to the Lahontan Region Basin Plan provide the necessary objective framework that will guide fisheries management agencies when the decision to use aquatic pesticides is being evaluated.

The Department is pleased that the proposed Amendment clarifies the "Exemption Criteria for Fisheries Management" and "Controlling Aquatic Invasive Species or Other Harmful Species". The recognition that there are emergency and time sensitive projects that require rapid response and monitoring is a significant step forward and welcomed by the Department.

We would like to see additional clarification in language that describes what type of projects fall under the time frame allotted for the treatment event (one week) as defined under the "Purpose and Need for Exemption" section. The limitations set forth in Chapter 3 (Water Quality Objectives for Fisheries Management Objectives Using the Fish Toxicant Rotenone) were developed primarily to address stream treatment conditions. The Department believes that compliance with the limitations is attainable in stream treatment scenarios.

Compliance with the Water Quality Objectives may not be attainable in some lake or pond treatment scenarios. The Department has data that indicates that constituent concentrations can be detected 30 to 60 days after the treatment event. This is primarily due to the half-life of chemical constituents in the active and inactive ingredients of the current formulations (CFT Legumine). The actual treatment (application) may be completed in a one week time frame but the residual chemicals may remain for some time after application. We recommend

DFG-R1: The one week maximum treatment event duration has been replaced with language in Chapter 4 of the Basin Plan under the "Purpose and Need for Exemption" section that allows flexibility in duration based on project specifics (e.g., pesticide characteristics, site conditions).

DFG-R2: Time to compliance, as related to treatment event duration, is not specified by water body type. "Language in the Purpose and Need for Exemption" section allows the time to compliance to be based on project specific characteristics. See also **DFG-R1**. Water quality monitoring is required no more than one week after pesticides are applied and must continue at least until compliance with water quality objectives is achieved.

Comments

Response

Ms. Wagner
May 13, 2011
Page 2 of 2

that language be incorporated that recognizes this and that post project monitoring should be in effect until the standard of non-detection is achieved.

If you have questions regarding our comments please contact us so that we can provide additional information.

Sincerely,



Stafford Lehr, Chief

Cc: Ms. Katherine Hill
California Department of Fish and Game
North Central Region - Region 2

Ms. Kimberly Nicol
California Department of Fish and Game
Inland Desert Region - Region 6

Refer to **DFG-R2** on previous page.