California Regional Water Quality Control Board
Lahontan Region

Terry Tamminen
Secretary for Environmental Protection

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Arnold Schwarzenegger
Governor

December 17, 2004

To: Interested Parties

AVAILABILITY OF REGIONAL BOARD RESPONSE TO PETITIONS REGARDING FAILURE TO ISSUE NPDES PERMIT TO CALIFORNIA DEPARTMENT OF FISH AND GAME (CDFG), FOR USE OF ROTENONE IN SILVER KING CREEK PAIUTE CUTTHROAT TROUT RESTORATION PROJECT -- ALPINE COUNTY

This letter is being provided to Interested Parties in the above-referenced matter. At a September 8, 2004 Public Hearing the Regional Board considered, but did not adopt, a proposed NPDES permit for CDFG's proposed use of the poison rotenone to restore the threatened Paiute Cutthroat Trout at Silver King Creek, Alpine County. Rotenone is used to eliminate non-native fish that can outcompete and interbreed with Paiute Cutthroat Trout.

Any person who is aggrieved by an action, or a failure to act, by a Regional Water Quality Control Board may file a petition for review with the State Water Resources Control Board (State Water Board), subject to statutory and regulatory provisions (California Water Code Section 13320; Title 23, California Code of Regulations (CCR) sections 2050-2068). The Regional Board's failure to issue an NPDES permit to the Department of Fish and Game has been petitioned by Trout Unlimited (State Water Board File No. A-1669) and jointly by the CDFG and U.S. Fish and Wildlife Service (File No. A-1669(a)).

Regional Board staff has prepared a response to the petitions. The petitions and staff response may be viewed/downloaded from the Regional Board's website at http://www.waterboards.ca.gov/lahontan/ (see item regarding the petitions under "Lahontan Region Water News").

Interested Parties may subscribe to receive electronic notifications and correspondence related to the petitions, at the State Water Board's website at http://www.swrcb.ca.gov/wqpetitions/index.html.

If you would like a copy of the staff response but are unable to access the Internet, please contact me at (530) 542-5571.

Sincerely,

Jason Churchill, Environmental Scientist

JJC/dcc T:\notice rotenone petition response.doc
[Silver King Creek rotenone, Alpine Co., WDID #6A020405008]