

Response to Comments – September 30, 2011

Basin Plan Amendment - Pesticide Prohibition & Exemption Criteria

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

United States Fish and Wildlife Service

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

Comments

Response



United States Department of the Interior

Pacific Southwest Region
FISH AND WILDLIFE SERVICE

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MAY 16 2011
MAY 16 2011

May 12, 2011
File No. 84320-2011-CPA-0085

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

Dear Ms. Wagner:

Subject: Comments on Proposed Amendments to the Water Quality Control Plan
for the Lahontan Region: Pesticide Prohibition with Exemption Criteria

This letter transmits comments on the proposed amendments to the Water Quality Control Plan for the Lahontan Region (Plan) from the U.S. Fish and Wildlife Service's (Service) Nevada Fish and Wildlife Office. Our comments are based on information provided in a scoping letter dated March 21, 2011, and on the Lahontan Region's Water Quality Control Board's (Control Board) internet home page (http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/index.shtml). It is our understanding that the Staff Report completed by the Control Board functions as Substitute Environmental Documentation and fulfills the Control Board's obligations under the California Environmental Quality Act.

The Service supports the proposed amendments, including, but not limited to: the minor revisions to chapters in the Plan, removing the existing species composition objectives for rotenone projects, altering the project proponent monitoring and mitigation requirements, and deleting language regarding future actions for hatcheries. The Service agrees that these changes are likely to result in increased compliance by pesticide applicators with the Plan. In addition, these proposed amendment changes will assist collaborative efforts to implement the Aquatic Invasive Species Management Plan for Lake Tahoe and to minimize the deleterious effects of nuisance and aquatic invasive species (AIS) in the Lake Tahoe region. Changes to the Lake Tahoe region's economy, pristine water quality, aesthetic value, and recreational pursuits are occurring partly due to the harmful impacts invasive plants, fish, and invertebrates have had on

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environmental quality. Lake Tahoe is threatened by new AIS introductions and the expansion of existing AIS populations and may be a source of AIS to other adjacent water bodies. The proposed amendment changes will facilitate a rapid response to an emergency AIS situation in Lake Tahoe and elsewhere in the Lahontan Region.

In an amendment approach such as the one proposed, it is critical that the potential spatial and temporal effects be adequately addressed since such effects may not be apparent in the subsequent environmental assessment of individual projects. The importance of these considerations is mentioned in the Staff Report (p. 7); however, only in regards to the "maximum benefit of the people of the State", meaning the people of California. Coordination with the Control Board's counterpart(s) in Nevada (e.g., Nevada Division of Environmental Protection) is also necessary since large portions of the watersheds overseen by the Control Board cross the state line.

If you have any questions or require any additional information, please contact me or Kerensa King (Environmental Contaminant Specialist) at (775) 861-6300.

Sincerely,


for: Jenny A. Ericson
Acting State Supervisor

cc:
Field Supervisor, Sacramento Fish and Wildlife Office, Sacramento, California

USFWS-R1: This assertion is incorrect. Each project that comes for an exemption request must address the temporal and spatial effects of that project as part of the exemption criteria to limit these effects.

USFWS-R2: Refer to **NDEP- Drinking Water R1.**