



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

Conserving California's Wildlife Since 1870

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