

STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 90-91

APPROVAL OF AMENDMENTS TO THE WATER QUALITY CONTROL  
PLANS FOR THE NORTH LAHONTAN BASIN AND  
SOUTH LAHONTAN BASIN REGARDING THE USE OF  
ROTENONE FOR SELECTED FISHERIES MANAGEMENT ACTIVITIES  
BY THE CALIFORNIA DEPARTMENT OF FISH AND GAME

WHEREAS:

1. The California Regional Water Quality Control Board, Lahontan Region (Lahontan Regional Board), adopted and the State Water Resources Control Board (State Board) approved the Water Quality Control Plans (Basin Plans) for the North Lahontan Basin (Basin 6A) and the South Lahontan Basin (Basin 6B) in 1975.
2. Division 7 of the California Water Code states that Basin Plans shall be periodically reviewed and, if appropriate, revised.
3. The California Department of Fish and Game (DFG) is required by provisions of the federal and State Endangered Species Acts to restore and protect threatened and endangered species and has statutory responsibility for protection of fisheries and aquatic ecosystems. DFG has determined that in order to carry out its responsibilities, occasional use of the pesticide rotenone to eliminate all fish in a waterbody is necessary. Rotenone is also an effective pesticide on invertebrates in the waterbody.
4. To accommodate the DFG fishery management responsibilities, the Lahontan Regional Board considered at meetings on February 9, 1990, April 12, 1990, May 10, 1990, and June 15, 1990; and adopted Resolution No. 6-90-43 (Resolution--Attachment 1) on June 15, 1990 incorporating amendments (Attachment 2) in the Basin Plans regarding:
  - a. Variances from water quality objectives for toxicity, pesticide, color, and species composition that would be in effect during approved rotenone treatment projects;
  - b. Exceptions to prohibitions of discharge;
  - c. Water quality objectives for naphthalene, rotenone, rotenone formulation components, and color that will be in effect during approved rotenone treatment projects; and

- d. Conditions to be met by DFG before the variances from the water quality objectives and exceptions to prohibitions are effective.
5. The amendments apply to DFG projects regarding restoration and protection of threatened or endangered species; the control of fish diseases where the failure to treat could result in significant damage to fisheries resources or aquatic habitat; and the elimination of prohibited species, as defined in the Fish and Game Code Section 2118, where competition or predation from such species threatens valuable sportfish or native fish populations or populations of other valuable organisms.
6. The amendments contain language requiring issuance of Waste Discharge Requirements on page 3 (subheading Rotenone Use); the adopting Resolution contains inconsistent language regarding optional waivers of Reports of Waste Discharge and Waste Discharge Requirements in Whereas No. 13 and Resolve No. 9.
7. The Basin Plan revision is consistent with the requirements of Public Resources Code 21000 et seq. (California Environmental Quality Act).
8. The Lahontan Regional Board Resolution No. 6-90-43 was adopted in accordance with State laws and regulations.
9. Basin Plan amendments do not become effective until approved by the State Board.

THEREFORE BE IT RESOLVED:

That the State Board:

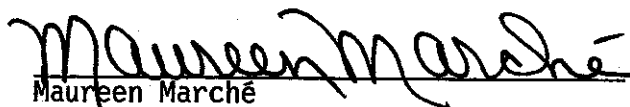
1. Approves the amendments to the North and South Lahontan Basin Plans regarding the use of rotenone by the California Department of Fish and Game as adopted by the Resolution with the exception that the following sentence on page 3 (subheading Rotenone Use) of the amendments is disapproved:  

"The Regional Board will adopt Waste Discharge Requirements for any project that meets the conditions set forth below."
2. Directs the Lahontan Regional Board to resolve inconsistencies between the Resolution and the Basin Plan amendments.
3. Approves the waiver policy contained in Resolve No. 9 of the Resolution granting authority to the Executive Officer of the Lahontan Regional Board to waive Reports of Waste Discharge and Waste Discharge Requirements for rotenone use by DFG under specific circumstances.

4. Directs staff to submit copies of this State Board Resolution and the Lahontan Regional Board Basin Plan amendments to the U.S. Environmental Protection Agency for approval.

CERTIFICATION

The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a policy duly and regularly adopted at a meeting of the State Water Resources Control Board held on August 16, 1990.

  
Maureen Marché  
Administrative Assistant to the Board