

COMMENT NO. 3: SUBMITTED BY LYNN DE FREITAS

Lynn de Freitas, representing Friends of the Great Salt Lake, read her comments as follows:

Ms. de Freitas said that she would be submitting written comments but did not do so at the hearing.

Good evening. My name is Lynn de Freitas. We are submitting formal written comments but I do have a little section I'd like to read and perhaps make a couple of statements for clarification. The presentation, Bill, that you shared on the process for determining the selenium standard – when you mentioned the vote of the Science Panel, you did neglect to mention Theresa Presser who abstained, basically, in her making a recommendation as part of that process and I think that's an important component to include in the dynamic.

Secondly, I was wondering in the Statement, also, that DWQ did not take a position. I'm not certain I clearly understand that in that as we were voting as a Steering Committee, DWQ was clearly casting a vote as part of the membership of the Steering Committee, so, perhaps that's an important clarification to make as well.

And also, in the assessment monitoring procedure, there was no mention of brine shrimp triggers to be a part of that monitoring tool. And, most recently, the Water Quality Board has received a copy of comments from Don Leonard who's the President of the Utah Artemia Association who was the single Steering Committee member supporting a 10.4 micrograms of selenium per kilogram as a standard. And in conjunction with that, in advancing the assessment methodology along with the Standard, as part of the Rule, he did develop a position, as I understand it, with Water Quality to include brine shrimp triggers in that schedule of assessment methodology. So, perhaps, I'm in error, but that's fairly recent information so I thought I'd bring that up.

And then about segmenting the Great Salt Lake, which is always part of the problem with the Lake in that it's not your normal lake and we all understand that and it has this kind of split personality that continues to be split into 5 (five) segments and as a consequence, I think it tends to perpetuate the problem in the way that we continue to receive and perceive Great Salt Lake and the inherent dynamic that it has as a part of its personality and as a consequence, we conveniently compartmentalize it in to a very convenient management toolbox, I guess. So, for the record, I'd just like to read the following:

“We recognize that the Division of Water Quality has expended significant resources and time to generate a numeric selenium standard for Great Salt Lake open waters. However, even this long overdue standard will be restricted in its application because it leaves the Lake unprotected from selenium. Moreover, the time and effort this standard required indicates significant time will pass before other standards are finalized. To complicate and delay this process by maintaining the Great Salt Lake will require five times as many standards before the entire Lake is protected by numeric standards is untenable. Moreover, the segmentation of the Lake is not ecologically sound. There is nothing about the water quality values of the Lake that will be served by this segmentation. Indeed, different uses and associated water quality goals are not appropriate for different regions of the Lake. Great Salt Lake is highly inter-related as an ecosystem composed of chemically, physically and biologically similar areas. Great Salt Lake is only appropriately managed as one unit because the same uses and associated water quality goals are appropriate and feasible for various regions of the Lake. This is particularly true of the Lake's wetlands. As you're well aware, the level of Great Salt Lake varies widely; therefore, it makes no sense to somehow divorce the wetlands of the Lake, which are often inundated by Lake water from

the open waters of the Lake. Moreover, the elevation of 4208 chosen as the boundary between the Lake and its wetlands is artificial. It is not ecologically based and serves only to undermine what should be the ecological integrity of the Lake. Management of Great Salt Lake must be focused on treating the Lake as a whole. Integrated and inter-related as a system. This approach must not be side-tracked by artificial segments that do not reflect wildlife use, recreation use, and chemical and physical goals as articulated by current beneficial uses there. And finally, segmentation of the Lake and failure to adopt immediate water quality standards that protect the waters of the Lake, violate the public trust doctrine. In developing and implementing water quality standards for Great Salt Lake, the Division of Water Quality must abide by the public trust doctrine which serves to protect sovereign lands for the benefits of the public.”

Thank you very much.