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March 16, 2009

Andrew Kolosseus
Washington Dept. of Ecology
PO Box 47600
Olympia, WA 98504-7600

Re: Decision on Total Dissolved Gas rules

Dear Andrew,

Save Our Wild Salmon (SOS) is disappointed by the Department of Ecology's recent decision not to amend its rules to dispense with the 115% forebay requirement for total dissolved gas (TDG) in the Columbia and Snake Rivers. After all the work done by the Adaptive Management Team (AMT) to study the issue, it is frankly puzzling that Ecology has decided not to change its rules, especially given Oregon's contrary determination. SOS is thus left with no choice but to re-file an updated petition with the Department of Ecology to amend the water quality rules. We will be proceeding with that petition in the near future.

As you know, convening the AMT was due in part to a petition that SOS filed with Ecology in March of 2007. SOS actively participated in the AMT process over its year of meetings and believes the science clearly supports abandoning the 115% forebay requirement. Indeed, Oregon's Department of Environmental Quality (DEQ) reached that same conclusion and is planning to eliminate the forebay monitoring requirement altogether.

Ecology reached a contrary decision despite its acknowledgement that there are likely benefits from the additional spill that would result from the removal of the 115% limit. But Ecology has inexplicably discounted those benefits and instead focused on the slim chance that there might be an increase in gas bubble trauma to find that a rule change is inadvisable. Moreover, Ecology seems to believe that it would simply be too much trouble to proceed with a rulemaking to change the water quality standard to remove the forebay requirement. Because the weight of the evidence falls clearly on the side of the benefits of additional spill – and the documentation adduced in the AMT process shows as much – we will update and re-file our petition to change the TDG standard in the Columbia and Snake Rivers.

Save Our Wild Salmon and others will be assembling that petition in the coming weeks and will of course follow the RCW procedures in filing it. We remain willing to work with the Department to better protect ESA-listed salmon and steelhead

migration, and urge Ecology to reconsider its decision and eliminate the need for another petition. Feel free to contact me with any questions or if there is any benefit to additional discussion of this matter.

Sincerely,

Rhett Lawrence
Policy Analyst
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