

**WA Dept. of Ecology's Public Hearing on  
Multiple Revisions to WAC 173-201A  
Water Quality Standards for Surface Waters of the State of Washington**

**Oral Testimony from Kurt Miller, Northwest RiverPartners  
Received 9-16-2019 in Vancouver, WA**

\*\*\*

Transcription was provided by PostCAP LLC in Olympia, WA.

Okay. Next it looks like we have Kurt Miller.

Hi, welcome.

>> Hi, thanks so much.

>> Yep. Just state your name clearly for the record.

>> Sure, my name is Kurt Miller. I'm a Vancouver, Washington resident. And I've lived here for about 30 years.

And in the northwest for a little bit longer than that.

So anyway, great to be here. Thank you guys so much for the work that you're doing and the outreach and especially for coming to Vancouver. That's pretty awesome.

So anyway, I am the Executive Director of Northwest RiverPartners. Northwest RiverPartners represents the majority of the customer-owned not-for-profit utilities in the Pacific Northwest along with other river users. And we account for millions of electricity customers who want to see both healthy salmon populations and clean and affordable electricity.

Especially in an era of climate change where carbon-free energy is most important. We submitted comments as part of the Chapter 173-201A WAC process. And we appreciate this opportunity to emphasize the following points.

First of all, the point of fidelity to the flexible spill agreement principles. First of all, ecology acknowledges that the decision to begin the exploration of TDGs up to 125% was born from the flexible spill agreement entered into by key stakeholders, including the State of Washington and the Bonneville Power Administration.

That agreement was based on three objectives. One, provide additional spill for fish. Two, manage power system costs. And three, preserve the hydro system's flexibility. It's therefore critical that the fidelity to all three objectives are maintained in this rulemaking. This fidelity can only be maintained if the rule is tied to a legally valid ESA consultation.

Without this accordance, spill could be increased without any consideration of the costs to Washington's electric customers. Also, we believe that it's important to acknowledge that these higher spill levels really do need to be tested before being made permanent. Ecology's own 2009 findings indicated spill above 115% has a detrimental effect on aquatic life. This is the first year we have seen months of sustained spill at the level of 120%. And it will literally take years

to determine what the effect of that has been on the overall salmon survival.

So then the idea of moving to months of sustained spill at 125% is also experimental and again, will take years to determine its actual impact. As a result, we encourage this process actually to look more at a temporary waiver process than a permanent process. But in lieu of that, again, it becomes very critical that it is tied to a legally valid ESA consultation.

And lastly we would just like to note that the Governor Inslee's Task Force suggested this as a test to help determine what the best available science was. And that was noted in Page 5 of the EIS document. Thank you so much.