

**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 Giulia Good Stefani,  
Natural Resources Defense Council  
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So did you want to come on up? What is your name? Did you --

>> [Off microphone]. I signed in at the front desk.

>> Did you sign in? There you are.

>> Is this the microphone?

>> It is.

>> Is there a way to -- so my back is -- maybe just right next to you?

>> I would rather have you face me, if that's okay.

>> Is there a reason for that?

>> Yes because we would rather get clear testimony and have you face me and give the testimony.

>> I'm the same number of inches from the microphone. I just want to -- I have the same problem that Miles had. It's very odd to come to a public hearing and to turn your back on the staff.

>> Yes.

>> I would just ask staff next time when you facilitate the meeting to consider that. I want to be respectful of all of the people who have traveled here today to be here in person. I think it takes a significant amount of time. It's an hour and 20 minute drive for me each direction to get here. And I'm sure others -- I know others have traveled from Seattle and further.

So just a courtesy next time. I have no desire to talk to you all with my back to you.

>> Just state your name clearly for the record. Thank you.

>> My name is Giulia Good Stefani. I am an attorney with the Natural Resources Defense Council. And I am also a member of the Orca Salmon Alliance.

And I also serve on Washington State's Orca Recovery Task Force. I'm in the Prey Working Group.

I'll start with the obvious, which is that we are not meeting the recovery goals for either orca or salmon and that both species are in a terrible crisis at this point in time. To that end, under -- for each of those hats for the Natural Resources Defense Council, the Orca Salmon Alliance and on behalf of the Prey, me personally as a member of the Prey Working Group on the Orca Recovery Task Force, I am in full support of raising the total dissolved gas limits to 125.

You know, short of lower Snake River dam breaching, that is the alternative that has been shown to have -- through decades of empirical evidence, through the CSS studies, to have the greatest impact on outmigrating juvenile salmon survival. I do have a couple of concerns.

You have heard many of them voiced here today by others. The first is that the -- the language around the consultation and having this tied to being legally valid, as an attorney I would say vague is probably going to get you into trouble and make this rule also vulnerable to being quickly invalidated. And I'll have to go through this rulemaking again if we run into trouble, once again, with the BiOp that's coming this February, which is the draft will be released in February.

I also share the concern that's being raised a number of times now about the calculation. I think some of those details are confusing. And I will admit to not being a biologist. But my understanding is, one, it's not consistent with Oregon, as you just heard. Using the two highest hours. And also you're going to get a lot less spill. And that's inconsistent with the flexible spill agreement. And it's also inconsistent -- in addition to considering the flexible spill agreement, which was a politically negotiated agreement to avoid further litigation, I would also encourage you to consider the purposes the reason the Washington State Task Force has this as a recommendation to raise the gas caps to 125. And that has nothing to do with the cost of repairs. And all of the economic and political considerations. That really has to do with meeting recovery goals and the prey that they depend on. So I recommend going to a 12-hour --

(Beep).

>> Back to a 12-hour calculation.

I'll just end by saying that I recognize spill is a small step in the right direction. I think this is an important step to take. I encourage Washington to work with Oregon and all of the other stakeholders to maximize outmigration salmon survival. And that that should be the first consideration here above all others. Thank you for your time and allowing me to testify.