

## Skagit Audubon Conservation Notes

### January 2, 2024

The first 4 items below were on the agenda for the January 2, 2024, Skagit Audubon board meeting.

#### 1. **Audubon Washington Advocacy**

The Washington State Legislature begins its 60-day session on January 8<sup>th</sup>. Unless extended, the session will finish March 7, 2024.

Audubon Washington's legislative priorities for which they would like the support of Skagit Audubon and its members include:

- Retaining the Climate Commitment Act of 2021 capping carbon emissions of the largest greenhouse gas emitters in the state and raising revenue for projects addressing effects of climate change
- Supporting legislation and funding to reduce hard armoring along Puget Sound shorelines
- Providing aid to private landowners in eastern Washington in protecting the sage steppe habitat important to many bird species

You can read a one page summary of these priorities at  
[2024 audubon legislative priorities one pager 12.2023 2.pdf](#)

Audubon is one of 27 organizations comprising the Environmental Priorities Coalition (EPC) and will advocate with them for the coalition's 2024 legislative priorities. The three EPC priorities somewhat overlap Audubon's listed above. All relate to Audubon's larger environmental goals. The EPC three are:

- **Hold Oil Companies Accountable**  
Supporting retention of the Climate Commitment Act and using its revenues as originally intended.
- **100% Clean School Buses**  
Mandating and funding conversion of Washington's 10,000 school buses to all-electric by a set date. Most of Washington's school buses are diesel. Studies show that toxic emissions from diesel engines are four times as high in the buses as outside. Electric buses are currently available from multiple manufacturers.
- **Washington Recycling and Packaging Act (WRAP)**  
Creating financial incentives for manufacturers to reduce packaging and plastic pollution. This bill would also improve Washington's recycling system.

For one page-summaries of these issues, go to [Environmental Priorities Coalition - Washington Conservation Action \(waconservationaction.org\)](#).

During the legislative session, EPC sends out a weekly update of environmental bills. These brief lists include bill numbers and links to details on the legislature's website where you can indicate your support or opposition. To receive these weekly updates, sign up at [Environmental Bills to Watch - Washington Conservation Action \(waconservationaction.org\)](#)

The state legislature has a very useful and relatively easy to negotiate website:

[Legislature Home \(wa.gov\)](#). Go there to learn about the legislative process, the names and contact information for your legislators and the committees on which they serve, the details of particular bills, and where each bill stands in the process. Most importantly, to track particular bills go to [Bill Information \(wa.gov\)](#). Weekly updates from Audubon and the EPC will have the bill numbers you need to use this site to learn about each bill and to indicate your support or opposition. Legislators look at this public input.

During the legislative session, watch the advocacy section of the Audubon Washington website for updates and action alerts: [Advocacy | Audubon Washington](#). The website also has useful links to Washington State government sites for learning about specific bills and communicating your support or opposition to your representatives: [Take Action and Advocate Effectively | Audubon Washington](#).

Audubon is the only conservation organization with a statewide network of chapters. We have great grassroots strength. Our legislators want to hear from us, and we have ready means to let them know where we stand.

## **2. Olympic Pipeline Gasoline Spill**

At this writing work continues on clean up following the December 10<sup>th</sup> spill of 20,000+ gallons of gasoline from the Olympic Pipeline near Conway at the southern edge of Skagit County just east of I-5. This is the same pipeline which ruptured in 1999 spilling 236,000 gallons of gasoline into Bellingham's Whatcom Creek drainage. The gasoline then ignited killing several people. Fortunately no one was injured in the recent event.

According to the *Seattle Times* of December 26<sup>th</sup>, "So far, state fish and wildlife officials have found five dead birds, including a trumpeter swan, one dead salmonid, and one dead beaver near the spill site, though the cause of death is still pending for some." ([Two accidents in one year show risks of oil industry to tribal nations, environment | The Seattle Times](#)) This spill occurred just upstream of the Fisher Slough salmon restoration project done at considerable public expense in 2015. A smaller restoration site is immediately adjacent to the spill area. Last week, as part of the cleanup, crews removed 289 trees planted years ago as a riparian buffer very near the spill site. Gasoline contaminated the soil around the tree roots and could continue to be released over a period of time were the trees and soil not removed. For more details and updates from Washington Department of Ecology, go to [Olympic Pipeline gasoline spill Mt. Vernon - Washington State Department of Ecology](#).

As the *Seattle Times* article describes, this was the second large spill of petroleum products in Skagit County last year, the other being the March derailment of BNSF engines and cars along Padilla Bay near the Swinomish Casino. In that incident 3,100 gallons of diesel spilled. Spills will continue to occur as long as we depend on transporting and burning fossil fuels.

Mary Ruth Holder on behalf of Protect Skagit provided the following suggestions following the Olympic Pipeline spill:

**“What we can do.** Write to our (Skagit) County Commissioners asking them to ensure that a **comprehensive investigation** of this spill is conducted by the county, state and federal agencies to determine: the root cause of the incident; how the spill impacted the natural environment, wildlife and property and how might it continue to do so; how the spill could have been prevented and what measures are needed to ensure it will not happen again. Ask them to make certain that the investigation will result in a **report readily available to the public** and

that a **community meeting** is held with Skagit residents to present findings and answer questions.

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**Commissioner Peter Browning:** [pbrowning@co.skagit.wa.us](mailto:pbrowning@co.skagit.wa.us)

**Commissioner Lisa Janicki:** [ljanicki@co.skagit.wa.us](mailto:ljanicki@co.skagit.wa.us)

**Commissioner Ron Wesen:** [ronw@co.skagit.wa.us](mailto:ronw@co.skagit.wa.us)

“Write to **Congressman Rick Larsen** and ask him to ensure that two federal agencies, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) and the U.S. Environmental Protection Agency (EPA) conduct a **comprehensive investigation** to determine: the root cause of the incident; how the spill impacted the natural environment, wildlife and property and how might it continue to do so; how the spill could have been prevented and what measures are needed to ensure it will not happen again. Ask him to make certain that the agencies' investigation will result in a **report readily available to the public** and that a **community meeting** is held with Skagit residents to present findings and answer questions. <https://larsen.house.gov/contact/>

“You might also write to your various State Senators and Representatives (10th, 39th and 40th Legislative Districts) who represent Skagit - asking for the same as above (ensure a comprehensive investigation, report made readily available to the public and a community meeting) by the state agencies (Department of Ecology, WA Utilities and Transportation Commission and Department of Fish and Wildlife). Start here to find your state legislators: <https://app.leg.wa.gov/districtfinder/>

“To sign up for County press releases about this incident, contact Jenn Rogers, Communications Manager [jrogers@co.skagit.wa.us](mailto:jrogers@co.skagit.wa.us) Their latest press release(#6) has photographs and drone footage. See also Ecology's website: <https://ecology.wa.gov/spills-cleanup/spills/spill-preparedness-response/responding-to-spill-incidents/spill-incidents/olympic-pipeline-gasoline-spill-mt-vernon>

“By way of background concerning pipeline safety, see this November press release on Representative Larsen's website: <https://larsen.house.gov/news/documentsingle.aspx?DocumentID=2819>

“Also, for more information about pipeline safety in Washington State see 2018 report: <https://www.utc.wa.gov/sites/default/files/2021-02/WA%20State%20Pipeline%20Safety%20Final%2005-05-18.pdf>”

Communications to public agencies and officials could also include the expectation that the owners of the Olympic Pipeline will repair the damage done to the habitat and restoration projects in the vicinity of the spill.

### **3. Barred Owl Management Strategy**

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Late last year Washington Department of Fish and Wildlife called for public comments on whether the Northern Spotted Owl should continue to be listed as “Endangered” under Washington State law. The law requires status reviews of listings every five years. To support the status review, WDFW wildlife biologist Joseph Buchanan prepared an overview titled *Draft periodic status review for the Northern Spotted Owl in Washington*. Washington Department of Fish and Wildlife ([DRAFT Periodic Status Review for the Northern Spotted Owl in Washington \(2023\) | Washington Department of Fish & Wildlife](#)). On page 12 of this report, Buchanan concludes, “Without management that effectively addresses the negative consequences of competitive interactions with Barred Owls it is likely the Spotted Owl could become functionally extirpated in Washington in the near-term future (i.e., in the next decade).”

In 1990 the Northern Spotted Owl was listed under the federal Endangered Species Act as threatened with extinction. Providing adequate amounts of suitable forest cover to sustain the subspecies was a major component of the first recovery plan for northern spotted owls (USFWS 1992) and a driver in the basic reserve design and old-forest restoration under the 1994 Northwest Forest Plan. From the website of the Washington Forest Protection Association: “On April 13, 1994, the Federal government adopted President Clinton’s Northwest Forest Plan (NWFP) as a strategy to recovery the owl, which sought to conserve the species on 24.5 million acres of Federal lands over 100 years’ time.” ([Northern Spotted Owl – Washington Forest Protection Association \(wfpa.org\)](#)).

Now, with the expansion of the Barred Owl’s range and population in the Northwest and this species’ tendency to kill or displace the slightly smaller Northern Spotted Owl, the Barred Owl has become the number one threat to continued existence of the Spotted Owl in Washington, Oregon, and very northern California and of the California Spotted Owl elsewhere in California. (For a range map of the Northern and California subspecies, go to [Spotted Owl Range Map, All About Birds, Cornell Lab of Ornithology](#)).

Scientists theorize that the Barred Owl, native to the eastern U.S. and not formerly present in the West, reached the West Coast States through human-caused changes in habitat on the Great Plains and in the boreal forest across Canada. Those areas formerly prevented Barred Owls from moving westward. Because human actions enabled the bird’s range expansion the Barred Owl is considered a non-native, invasive species in Washington, Oregon, and California. As expressed in the USFWS Barred Owl Management website’s Frequently Asked Questions: “Barred owls were introduced unintentionally through human-caused changes to the previous barrier created by the generally treeless conditions of the Great Plains and harsh conditions in the northern boreal forest.” Barred Owls appeared in British Columbia in 1959 and expanded southward, reaching Washington in the 1970s. ([Service Seeks Public Comment on Draft Strategy to Manage Invasive Barred Owls | U.S. Fish & Wildlife Service \(fws.gov\)](#)). Western Screech-owl population declines have also been linked to the Barred Owl expansion.

To address this imminent threat to the continued existence of the Northern Spotted Owl, the U.S. Fish & Wildlife Service (USFWS), which administers the Endangered Species Act, has issued a draft Environmental Impact Statement (EIS) and draft Barred Owl Management Strategy ([Barred Owl Management | U.S. Fish & Wildlife Service \(fws.gov\)](#)). From 2013 to 2021, the USFWS experimented with removing Barred Owls at four sites in California, Oregon, and Washington.

The agency found a positive effect on the survival and population increase of Spotted Owls. The preferred alternative under the proposed strategy would implement a voluntary removal strategy on a much broader scale to prevent the extinction of these two subspecies of the Spotted Owl (the Northern Spotted Owl, the sole subspecies in Washington, and the California Spotted Owl).

The 60-day public comment period on the EIS and Strategy closes January 16, 2024. At the project website scroll down and click on “News Release and FAQ” for an overview of the situation and the proposed strategy: [Service Seeks Public Comment on Draft Strategy to Manage Invasive Barred Owls | U.S. Fish & Wildlife Service \(fws.gov\)](#). At the bottom of the page are instructions for submitting comments.

In a December 24, 2023, article marking the 50<sup>th</sup> anniversary of the Endangered Species Act, (signed December 28, 1973), the *Seattle Times* summarized the Northern Spotted Owl’s plight:

“The northern spotted owl was listed as a threatened species in 1990. And despite protecting more than 20 million acres of federal old-growth forest habitat the owls depend on, their populations in study areas throughout their range have still declined by 35% to more than 80% over the past two decades, according to the U.S. Fish and Wildlife Service.

“The trouble is threats to the owl’s survival keep multiplying.

“The Northwest Forest Plan stopped all logging of old growth on federal lands in Washington, Oregon and Northern California in 1994. But logging on private land still hammers the owl’s habitat — and so do wildfires. Now the barred owl is outcompeting spotties *everywhere they live*. Barred owls, native to the eastern U.S., are bigger, are more aggressive and will eat practically anything. Salamanders, frogs, fish, birds, earthworms, snails, slugs and more are vacuumed from the woods by this opportunistic hunter.”

([Endangered Species Act’s 50th anniversary: What 6 NW animals can tell us | The Seattle Times](#))

#### **4. Revising the Northwest Forest Plan**

The Northwest Forest Plan of 1994 sets the overall management direction for 17 national forests in Washington, Oregon, and California. Among other things this plan directed the protection of federal old growth forest to protect the fast-declining Northern Spotted Owl as well as the Marbled Murrelet and other old-growth dependent species. The U.S. Forest Service has now embarked on amending the Northwest Forest Plan and has opened a 45-day comment period.

The agency explains the need for amending the plan:

“What is Driving the Need for Change? The NWFP was established nearly 30 years ago. Since then, there have been significant changes in local economic, social, environmental, and cultural conditions across the NWFP landscape, including changes in forest densities, climate change impacts, increased risks to forests and communities from wildfires, and changes in public uses of the area. Amending the NWFP will provide an updated framework to guide management that considers current science and local economic, social, and environmental conditions.” ([NWFP facts sheet \(usda.gov\)](#))

An overall forest plan that is effective at protecting essential wildlife habitat is vital to fulfilling Audubon’s mission of preserving the habitat birds and other wildlife require. We need to closely monitor and engage with the amendment process to ensure a viable future for the Northern

Spotted Owl, Marbled Murrelet, and other forest-dependent species. The project website can be found at [Region 6 - Planning \(usda.gov\)](#).

## **Other Skagit Audubon Conservation Issues:**

### **1. Updating Refinery Safety Standards**

In March 2023 Skagit Audubon commented to the Washington Department of Labor and Industries (L&I) in support of proposed rulemaking to update “Safety Standards for Management of Highly Hazardous Chemicals” with a particular focus on refinery operations. We argued that improved standards would both support workers at these plants and better protect the natural environment from the toxic effects of refinery emissions and spills. March Point, where Skagit County’s two refineries are located, is bounded by Fidalgo Bay Aquatic Reserve and Padilla Bay National Estuarine Research Reserve, both very important habitat for a wide variety of birds, marine organisms, and other wildlife. Word came in late December that the Department of Labor and Industries finalized and adopted the updated refinery safety rules. Mount Vernon resident Mary Ruth Holder, who led the way on supporting the changes, says that, “For the most part the agency adopted the rules just as proposed.” The L&I news release is at [23-36 \(wa.gov\)](#).

### **2. Designation of the Cascade River as Outstanding Resource Water**

On December 18, 2023, Washington Department of Ecology announced completion of rulemaking to designate the upper watershed of the Cascade River in Skagit County (and several others waterways elsewhere in Washington) as an “Outstanding Resource Water” ([Ecology adopts Outstanding Resource Waters designations \(govdelivery.com\)](#)). This ruling provides additional protection for the pristine quality of the upper Cascade, which flows out of the North Cascades. Skagit Audubon joined with other groups to support the efforts of Washington Wild on this issue and also gave public testimony at the DOE hearing in Mount Vernon. Opposition was principally from timber companies, though virtually no harvestable timber lies within the boundaries of the area in question.

### **Other Continuing Issues for Skagit Audubon**

See earlier *Conservation Notes* for continuing issues without new information this month: [Skagit Audubon Society - Conservation Notes](#).

### **Issues Needing Action**

Audubon members can advocate for regional and national protection of birds and other wildlife and their habitat by responding to action alerts from Washington Audubon and National Audubon. Enroll in Audubon Washington’s Action Network at [Join Our Action Network | Audubon Washington](#) (overwrite with your name and address). The National Audubon website ([Advocacy & Action | Audubon](#)) has abundant information on Audubon’s numerous current conservation campaigns. Sign up there to receive national alerts ([Join Our Action Network | Audubon](#)). Also see the Audubon Washington blog for information about a variety of interesting and important issues: [AuduBlog | Audubon Washington](#).