

Skagit Audubon Conservation Notes September 2, 2025

Tim Manns, Conservation Chair

1. Rescinding the “Endangerment Finding,” the basis for federal regulation of greenhouse gas emissions

Eleven years ago National Audubon research pinpointed human-caused climate change as the greatest threat to two-thirds of North American bird species. This summer the Environmental Protection Agency (EPA) announced its intention to rescind its 2009 “endangerment finding” that greenhouse gases threaten public health and welfare. This finding has been the legal basis for federal bills and policies addressing the existential threat of climate change, now to be ignored because of the change in Administrations. Climate change will persist regardless. By the rules, assuming they are followed, rescission requires the EPA to go through the formal, federal rule-making process, which includes opportunities for public comment.

2. Weakening the 1918 Migratory Bird Treaty Act and the 1973 Endangered Species Act

These two federal laws are vital to accomplishing Skagit and National Audubon’s mission of preserving wildlife, especially but not solely birds, and protecting and restoring their habitat. Read the May 2025 Skagit Audubon Conservation Notes for a summary of the national Administration’s intentions for these acts. ([May25ConservationNotes.pdf](#), items numbered 2 and 5) There will be updates in the Conservation Notes when there is new information.

3. Undoing the Roadless Rule

On June 23rd of this year Secretary of Agriculture Brooke Rollins, overseeing the U.S. Forest Service, announced plans to rescind the 2001 Roadless Rule. For a generation this rule has protected 58 million acres of roadless and unlogged public forest lands, including almost 2 million acres in Washington State), from clearcutting and unnecessary road building. The rule protects habitat for many species, safeguards drinking water, and provides opportunities for recreation in nature. Without the Roadless Rule, such popular hikes from the North Cascades Highway as Maple Pass, Easy Pass, and Cutthroat Pass, which are not in Congressionally designated Wilderness, would no longer be protected from logging. Our national forests already have many more miles of road than are needed or can be maintained. This huge reversal of conservation policy accompanies the administration’s determination to vastly increase logging on our national forests while waiving environmental review and public comment. For information about the Roadless Rule, go to [Washington Wild Roadless Protections - Washington Wild](#).

On August 27th, Secretary Rollins announced the beginning of a comment period for the public to contribute ideas for the environmental impact statement which the U.S. Forest Service will prepare with the goal of ending the Roadless Rule. She invokes forest management, protection from fire, and the economy as reasons for road building and logging these protected areas. Washington Wild notes that, “The Roadless Rule is flexible and already allows for necessary fire management, emergency access, community connection, and forest stewardship activities like prescribed burns and habitat restoration.”

The comment period ends September 19th. Submit your public comment here: [Federal Register :: Special Areas; Roadless Area Conservation; National Forest System Lands](#)

This new development comes as the multi-year review and update of the 1994 Northwest Forest Plan is underway, which precedes the change in Administration. Under this plan, which applies to federally-managed forests from northern California through Oregon and Washington, certain old-growth stands were set aside to protect the declining populations of Spotted Owls and Marbled Murrelets. The plan did, and does, much else, but the timing of its scheduled update presents real danger for habitat protection and the future of those and many other old-growth dependent species.

Drastic measures regarding lands owned by the national public will continue to be in the news as the Administration deals one blow after another. Recall that the so-called “Big Beautiful Bill” initially called for selling a good chunk of federal public land for the alleged purpose of promoting housing construction. Fortunately, the Senate Parliamentarian ruled this brain child of Utah’s Senator Mike Lee ineligible for inclusion in the bill. The idea has surfaced of removing areas from the National Park System and turning them over to the states or local authorities whether they want and can afford them or not. Land managing agencies have lost very significant percentages of their staffs, and the Administration’s proposed 2026 budget calls for very deep budget cuts; enough for example, to totally defund over 350 of the 433 areas managed by the National Park Service ([President Trump’s Proposed Budget Could Decimate At Least 350 National Park Sites · National Parks Conservation Association](#)). The Administration’s budget also calls for zeroing out funding under the National Oceanographic and Atmospheric Administration for the National Estuarine Research Reserve System. The only one of the system’s 30 sites in Washington State is Padilla Bay National Estuarine Research Reserve, which is a partnership of NOAA and the state’s Department of Ecology, but most of the funding comes from NOAA. The Congressional budget proposals call for lesser cuts. It will be important for the public to weigh in en masse if we are to preserve America’s protected areas.

4. Skagit County’s Critical Areas Ordinance update

Skagit County’s draft update of the Critical Areas Ordinance (CAO) mentioned in the June Conservation Notes continues to show improvements over the earlier version. The comments Skagit Audubon submitted in May are available at:

<https://static1.squarespace.com/static/6474fc5db738031c56c2f6c4/t/682156d0debe032074423fef/1747015378744/Skagit+Audubon+coms+on+draft+updated+Critical+Areas+Ordinance+May+2025.pdf>.

For the second round of commenting I collaborated with Skagit Land Trust on its comments urging further improvements in the ordinance. Increased buffers, as in the plan, would be beneficial, and there is now some attention given to protecting wildlife corridors, though smaller wetlands are not yet sufficiently protected. There is still a provision allowing some logging in riparian buffers, which Washington Department of Fish & Wildlife has joined environmental groups in criticizing. The Board of County Commissioners will decide on the final version of the CAO in a few months.

5. Battery Energy Storage Systems (BESS) proposed for Skagit County

Battery Energy Storage Systems are large arrays of batteries for storing electricity generated when the demands of the electrical grid are lower and to supply power when not enough is

being generated to meet demand. These systems are seen as a necessary element of a grid more reliant on solar and wind-generated power, which is more variable through the day and from day to day. While rare, fires have occurred at BESS installations, are very difficult to extinguish, and release toxic fumes. It is obviously important to site such facilities only in appropriate places.

Skagit Audubon was one of the local organizations commenting in opposition to the BESS proposed for agricultural land just east of Sedro-Woolley along salmon-bearing Hansen Creek adjacent to a residential neighborhood. Skagit Audubon's September 2024 comment letter is available at [Skagit+Audubon+comments+on+proposed+BESS+facility+near+Sedro-Woolley.pdf](#). At this writing, I think the proposal may still be alive, having been approved through a state process that reduces the requirements of local permitting. Any BESS needs to be sited in an appropriate place; i.e., distant from residential areas and from environmentally sensitive or agricultural locations. There are other considerations as well. The BESS proposed by a different company for the edge of the Port of Skagit west of Burlington seems a more feasible and non-agricultural location, though there is concerted opposition. The Skagit Board of County Commissioners has approved a permit for a BESS at this location and a few months ago rejected the appeal of the Hearing Examiner's decision. Skagitonians to Protect Farmland has a campaign underway to block any construction of BESSs on farmland: [Right Power, Right Place | Skagit Valley Farmland is for Farming](#). Stay tuned.

6. Continuing the state listing of the Marbled Murrelet as an endangered species

Washington State's Endangered Species Act calls for periodic review (every 5 years?) of listed species. The Marbled Murrelet, listed as endangered, is currently up for review. Washington Department of Fish and Wildlife is accepting comments through September 28th. Giving the continued decline of this species, Skagit Audubon has in the past supported changing the murrelet's designation from "threatened" to "endangered" and will support the murrelet continuing to be listed as "endangered." The WDFW press release states, "The 2023 population estimate was approximately 4,400 birds, down from an estimated 7,500 in 2015." (<https://wdfw.wa.gov/newsroom/news-release/wdfw-invites-public-comment-marbled-murrelet-endangered-species-listing-status-review?sfn=mo>). Read the status review report at <https://wdfw.wa.gov/sites/default/files/publications/02627/wdfw02627.pdf>.

7. Update the Shoreline Management Act

The Washington State Legislature has mandated that the Shoreline Management Act of 1971 (SMA) be updated to include attention to sea level rise among other things. The multi-year process involved is complex. Fortunately, an ad hoc coalition of environmental groups and well-experienced individuals has been working long and hard to provide the Department of Ecology with well-informed comments. Scott Andrews, member of Skagit Audubon retired from the Audubon Washington staff, is part of this effort.

Last year, Skagit County completed its long-overdue update of the county's Shoreline Master Program, an SMA requirement, and submitted the update to the Department of Ecology for review and approval. Completion of that project is still pending. Skagit Audubon joined other commenters in requesting that the county include attention to sea level rise and other effects of climate change as it prepared the update, but this did not happen. Under the revised SMA

regulations, when Skagit next updates its Shoreline Master Program it will no longer be allowed to ignore climate change. The Program regulates development and uses along rivers, lakes, and marine shorelines.

8. Outstanding Resource Waters Nomination

In 2023 Washington Wild (<https://wawild.org/>) successfully led the way to Washington State's first designation of "Outstanding Resource Waters" under the Clean Water Act. Skagit Audubon actively supported this designation which adds further protection by prohibiting any future degradation of already good water quality in the Napeequa River and Skagit County's Cascade River. The designation includes the tributaries of these rivers. This summer, Washington Wild has begun work on nominating Ruby and Granite Creek drainages as outstanding Resource Waters, again with the goal of protecting existing good water quality from degradation by any new activities. Along the North Cascades Highway east of Ross Lake you can catch glimpses of these two beautiful mountain streams. Watch for announcements of how you can support this nomination.

9. Protecting legacy forests in Washington State

On August 26th, Washington Public Lands Commissioner Dave Upthegrove announced that the Department of Natural Resources (DNR) would conserve 77,000 acres of state-owned older forests, also referred to as "legacy" forests. These are stands that have not quite reached old-growth status but are structurally complex providing significant wildlife habitat and sequestering large amounts of carbon. DNR staff identified 106,000 acres of such forest, and the difference will be available for logging. In his election campaign, Upthegrove had pledged to protect some acreage of legacy forests. He faces the challenge of meeting the expectations of the trust beneficiaries, such as hospital districts, schools, etc., to receive revenue from the logging of the lands DNR manages on their behalf. Upthegrove is seeking additional revenue generating options from these lands, such as the sale of carbon credits, which the Legislature would need to approve.

Most of the 77,000 acres to be taken out of timber harvest are on the Olympic Peninsula or the west slope of the Cascades. Skagit County receives substantial revenue from DNR timber management. We do not yet know how many of these acres are in Skagit County, nor do we know the take of Skagit's Board of County Commissioners on this preservation action. The Legacy Forest Defense Coalition of Washington (<https://www.wlfdc.org/>) is highly critical of Commissioner Upthegrove's decision, finding it far from sufficient.

From the DNR website: [Commissioner Upthegrove Takes Bold Step to Conserve Washington's Most Valuable Forests | Department of Natural Resources](#)

From the *Seattle Times*:

<https://www.seattletimes.com/seattle-news/climate-lab/wa-to-conserve-thousands-of-acres-of-legacy-forests/>

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](#). 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 on a variety of interesting and important issues: [AuduBlog | Audubon Washington](#).

For information on other conservation issues Skagit Audubon is following, please go to the Conservation Notes on the chapter website at <https://www.skagitaudubon.org/conservation-notes-letters>.