

## Skagit Audubon Conservation Notes December 6, 2022

The first three items below were on the agenda for the December 6, 2022, Skagit Audubon board meeting.

### **1. Proposed Camano Island Wetland Mitigation and Species Conservation Bank**

Burns & McDonnell Engineering Company, Inc., of Kansas City, Missouri has applied to the Army Corps of Engineers and the Washington State Department of Ecology (DOE) for permits to establish the Camano Island Wetland Mitigation and Species Conservation Bank. This company, which operates wetland mitigation banks in other states, would sell credits when development projects impact wetlands in Island, Snohomish, and Skagit counties. This would include, for example, projects in the watersheds of the Stillaguamish River and the Lower Skagit and Samish Rivers. As credits are sold, the company would restore to estuarine marsh about 60 acres of farmland on Camano Island lying along Davis Slough in the vicinity of Washington Department of Fish & Wildlife's Leque Island. A dike would be breached, drainage ditches filled, etc., and the farmland would once again be part of the larger area's estuarine wetland.

Skagit Audubon's draft comment letter to DOE on the proposed mitigation bank supports the concept of restoring the 60 acres to wetland but expresses some reservations about the plan as described. There is no indication that Skagit County code on wetland mitigation has been considered. This code restricts the use of wetland mitigation credits outside the watershed of the impacts to narrow exceptions. ([Chapter 14.24 CRITICAL AREAS ORDINANCE\\* \(codepublishing.com\)](#)). There is no indication that the bank proponent has communicated with Skagit County concerning the proponent's intention to sell mitigation credits in Skagit County.

It is not clear that the plan for the mitigation bank, which apparently has not yet been written (termed the *Mitigation Bank Instrument*) will include a detailed provision for on-going monitoring of the success of the restoration nor a description of measures to be taken should the intended ecological processes fail to operate. Given that restoring truly functioning wetlands is quite difficult, Skagit Audubon's comments also express the need for a detailed and firm plan up-front about how long-term management and maintenance of the site will take place to ensure that the property becomes and remains functional estuarine habitat. The company's prospectus states that these long-term arrangements will be put in place years into the project rather than at the outset.

Because the company is requesting permission to sell wetland mitigation credits in Skagit County, Skagit Audubon is requesting that the permit, if issued, provide for public comment before each mitigation credit is sold. The Skagit and Samish watersheds cannot afford to lose any more well-functioning wetlands. On the face of it, replacing Skagit or Samish wetlands with restored wetlands in the Stillaguamish drainage does not seem wise. We do realize that in some instances the trade-off could be beneficial in the balance. Local knowledge can help evaluate these trade-offs; hence the need for public input with each development project that would impact wetlands.

The Skagit Audubon board voted unanimously to send this comment letter to the Department of Ecology.

## **2. The Scoping Phase of Planning Restoration of the Grizzly Bear to the North Cascades Ecosystem**

As mentioned in the December issue of the *Skagit Flyer*, the on-again, off-again, multi-decade effort to restore the federal and state-listed grizzly bear to the North Cascades in accordance with the Endangered Species Act is on again after a halt by the previous federal administration. The North Cascades Ecosystem is one of six recovery zones long ago designated for this species. Years have passed since Skagit Audubon joined the Friends of the North Cascades Grizzly Bear coalition. Beginning in 2015, Skagit Audubon has submitted comments to the National Park Service and U.S. Fish & Wildlife Service at each stage of the process that provided for public input.

On November 10th the National Park Service and U.S. Fish & Wildlife Service announced the new start to preparing the plan and Environmental Impact Statement (EIS) needed before restoration can proceed. For current information and background see the Friends of the North Cascades Grizzly Bear website: [Friends of the North Cascades Grizzly Bear | Restoring a healthy population of grizzly bears to the North Cascades](#)). Through December 14<sup>th</sup> you can submit scoping comments; that is, your opinions on what issues should be considered in the EIS. See [Parkplanning - 2022 North Cascades Ecosystem Grizzly Bear Restoration Plan/Environmental Impact Statement \(nps.gov\)](#). Click on “Open for Comment.” When the draft EIS is issued, we can comment on how the agencies propose to proceed with restoring a viable population of grizzlies in the North Cascades Ecosystem. Why should Audubon care about grizzly bears? Our organization’s mission is to protect and restore wildlife habitat with a particular, but not an exclusive, emphasis on birds. Grizzly bears are the single most significant species missing in the North Cascades ecosystem. At the December 6<sup>th</sup> meeting, the Skagit Audubon board voted unanimously to send the scoping comment letter which the members had reviewed to the National Park Service.

## **3. 2023 State Legislative Priorities for Audubon Washington**

The next Washington State legislative session will run from January 9, 2023, through April 23. This is an alternate year long session during which the legislators will write and pass the state’s two-year budget. Read about Audubon Washington’s priorities for the session at <https://wa.audubon.org/news/speak-birds-legislative-session>. Additional information will be posted at [Advocacy | Audubon Washington](#) as the session gets underway.

Audubon Washington provided the following summary of the organization’s legislative priorities:

### **Update the Growth Management Act (GMA) and Shoreline Master Plans (SMPs) to include climate resilience.**

- The GMA does not currently require planning for climate change. A proposed update of GMA would require planning for emission reduction, affordable housing, and climate resilience. A key provision would require future SMPs of cities and counties to address sea level rise.

**Ensure that Climate Commitment Act revenue goes towards climate solutions.**

- The Climate Commitment Act (CCA) sets a price on carbon emissions and generates revenue to invest in climate solutions. The 1st round of CCA spending will be in the 2023-25 budget. some may seek those funds for other purposes, weakening the ability to address climate change.
- We urge you to guard against weakening the law and climate resilience.

## COASTAL CONSERVATION

Create a shoreline assessment program for the Puget Sound including on-the-water photos.

- The Puget Sound shoreline and nearshore are critical habitat for forage fish and the salmon, orca and marine birds that rely on them. Decades of hard armoring have degraded this habitat, yet there is no comprehensive inventory of the extent and location of shoreline armoring.
- Creating a shoreline assessment will provide data, updated every 2 years, on the location of shoreline armor, natural shorelines, and other nearshore conditions and enable tracking of changes over time. It is crucial for assessing progress on Puget Sound recovery goals, assisting in permitting compliance and in the selection of mitigation and restoration sites.

## THE SHRUB-STEPPE ECOSYSTEM

Protect the Shrub-steppe through funding for programs on public and private lands.

- Funding wildlife-friendly fences through the Washington Shrub-steppe Restoration Resiliency Initiative (WSRRI).
- Funding conservation districts to assist in protecting shrub-steppe, through Conservation Technical Assistance (CTA) to build capacity for voluntary stewardship of natural resources on private lands.

## CONSERVATION FUNDING

Supporting the Washington Department of Fish and Wildlife's Biodiversity budget request

- Washington is experiencing great losses of biodiversity from habitat loss and climate change, but WDFW lacks the resources to implement conservation for 95% of effected species.
- We support the Department's \$47.6 M request for biodiversity conservation and \$3.8 M request for climate resilience.

The January 2023 Conservation Notes should have bill number to accompany these priorities, information on how to contact your legislators to support or oppose bills, and links to one or more sources of tracking information on the bills.

Audubon Washington is one of more than twenty conservation groups participating in the Environmental Priorities Coalition (EPC). The coalition members collectively focus on 3 or 4 priority bills each year during the state legislative session. Watch the EPC website for information on the 2023 priorities, which should be posted soon: [Environmental Priorities Coalition - Washington Environmental Council \(wecprotects.org\)](https://www.washingtonenvironmental.org/).

## **Other Issues Skagit Audubon Is Following**

### **1. Skagit County Shoreline Master Program**

Skagit County's revised Shoreline Master Program (SMP) has gone to the Washington State Department of Ecology (DOE) for review. Word is that DOE will hold a public hearing in Skagit County as well as accepting written comments from anyone wishing to participate, not only those who commented previously (i.e., parties of record).

Audubon Washington and Skagit Audubon are joined with other conservation organizations, such as Evergreen Islands, in tracking this revision and urging, among other things, that the plan follow the best available science, as regulations require, and address sea level rise and climate change. After hearing extensive public comment to this effect, the Skagit County Commissioners decided nonetheless to forward the draft revised SMP to the Department of Ecology without addressing these realities which increasingly affect Skagit County. There was an implied commitment by the commissioners that the county's Planning & Development Services Department would apply for a DOE grant to fund modifying the SMP to consider the effects of climate change including sea level rise. Other counties have already done this.

For Audubon Washington's take on the importance of addressing sea level rise, with Skagit County as the case in point, read this blog post by Scott Andrews of the Audubon Washington staff. Scott is a member of Skagit Audubon: [Puget Sound Series: Sea Level Rise | Audubon Washington](#)

## **2. Avian Flu in Skagit County**

Avian flu is now present in Skagit, Whatcom, and other Washington counties. In Whatcom County last month Washington Department of Fish & Wildlife (WDFW) employees collected about 400 dead geese on Wiser Lake. Reportedly, the cause is likely bird flu; i.e., H5N1: Highly Pathogenic Avian Influenza (HPAI). This November 22<sup>nd</sup> article in *Cascadia Daily News* describes the situation at Wiser Lake: [https://www.cascadiadaily.com/news/2022/nov/22/avian-flu-likely-cause-of-400-wiser-lake-bird-deaths/?fbclid=IwAR0\\_4CozFxutQyRV3jYbh8IEwITmws0vXAIJv8g4zXSpmPTmPeto2HsPbTA](https://www.cascadiadaily.com/news/2022/nov/22/avian-flu-likely-cause-of-400-wiser-lake-bird-deaths/?fbclid=IwAR0_4CozFxutQyRV3jYbh8IEwITmws0vXAIJv8g4zXSpmPTmPeto2HsPbTA)

During a phone call last week, Chase Gunnell, public information officer for WDFW's North Puget Sound Region, said that WDFW personnel have collected about 90 dead Snow Geese on or near Skagit Bay. He said that the avian flu outbreak in Skagit County appears to be not as severe as in Whatcom County, at least at this point.

Please use this link to report sick or deceased wild birds:

<https://survey123.arcgis.com/share/a384e90f69744f2e846135a9ce80027f>

WDFW avian flu webpage: <https://wdfw.wa.gov/species-habitats/diseases/bird-flu>

Avian flu common questions blog post: <https://wdfw.medium.com/avian-influenza-common-questions-and-answers-regarding-transmission-to-mammals-b70a73d53a66>

Chase said that, given the severity of issues in Whatcom County, WDFW worked with the Whatcom County Health Department on an alert with more detailed information and contacts: <https://www.whatcomcounty.us/CivicAlerts.aspx?AID=3590>

### **3. Fish Pen Aquaculture**

In the years after the 2017 collapse of one of the commercial aquaculture net pens off Skagit County's Cypress Island, Skagit Audubon wrote to oppose renewing Cooke Aquaculture's remaining leases for such operations in Washington waters and allowing raising triploid rainbow trout instead of Atlantic salmon. Net pen aquaculture poses threats of disease to native fish, among other problems. It therefore came as good news on November 14<sup>th</sup> when Public Lands Commissioner Hilary Franz announced that the Washington State Department of Natural Resources (DNR) was ending the remaining two finfish net pen aquaculture leases on Washington's state-owned aquatic lands. One of these leases was for Skagit County waters off Hope Island in Skagit Bay near the Swinomish Reservation. DNR's news release provides the details: [Commissioner Franz Cancels Leases for Remaining Net Pen Salmon Farms in Puget Sound | WA - DNR](#)

Swinomish Indian Tribal Community Chairman Steve Edwards said,

“We are very pleased that Commissioner Franz rejected Cooke Aquaculture's lease application. Removal of the existing net pen will restore full access to the Tribe's culturally important fishing area in northern Skagit Bay. Swinomish are the People of the Salmon, and fishing has been our way of life since time immemorial. Cooke's net pens have interfered with the exercise of our treaty rights for far too long. We look forward to the day when the Hope Island net pen facility will be a distant memory.”

In 2018, the Washington state Legislature phased out Atlantic salmon farming but allowed Cooke Aquaculture, the one company operating fish farms in Washington waters, to shift operations at its remaining leaseholds in Rich Passage and Hope Island to grow sterile steelhead trout.

### **4. Izembek Lagoon**

Alaska's Izembek National Wildlife Refuge lies in the central Aleutians between the highly productive waters of the Bering Sea and the Gulf of Alaska. The heart of the refuge is Izembek Lagoon, a coastal ecosystem with one of the world's largest eelgrass beds. Hundreds of thousands of waterfowl, including virtually the entire population of Pacific black brant, visit the lagoon to feed on eelgrass and rest during migration. From brown bears to Pacific salmon, more than 200 species call this refuge home.

The protection of Alaska's Izembek Lagoon has direct relevance to the birdlife of Skagit County in that species nesting in the far north and wintering here rest and feed on this immense lagoon. It is especially important to brant because they are one of the few creatures that feed directly on eelgrass, and Izembek Lagoon has the largest eelgrass meadow in the western U.S. (Padilla Bay National Estuarine Research Reserve protects the second largest.).

There has been a years-long battle underway over the proposal to build a road through this wildlife refuge (and Congressionally designated Wilderness Area) either to provide a nearby community with medical evacuation in winter or to support the needs of a fish processing company, depending on who you believe. You can read an overview of the battle at [Izembek Refuge and Wilderness Threatened by Road | The Wildlife News](#).

The previous federal administration took measures to open the way for the road to be built despite earlier findings by the Fish & Wildlife Service that it would cause unacceptable damage to the ecosystem. It therefore came as good news in November when the courts halted that process, at least temporarily. As the National Wildlife Refuge Association reported:

“Izembek National Wildlife Refuge in Alaska recently had a big win in the 9th U.S. Circuit Court of Appeals [when a rehearing was granted for a previous District Court decision](#) that could allow a road to be constructed across the unique national wildlife refuge. [The National Wildlife Refuge Association, former President Jimmy Carter, Former Secretary of the Interior Bruce Babbitt, and other conservation partners petitioned to request a rehearing of that decision by a larger set of 9th U.S. Circuit Court of Appeals judges earlier this year.](#)

“The rehearing of the decision will take place on December 12, 2022. [The decision was based on the lawfulness of a land exchange agreement signed in late June 2019](#) between the Department of the Interior and the King Cove Corporation. This land swap, negotiated through a completely nontransparent process, would allow for the wilderness land in the Izembek National Wildlife Refuge to be traded for other lands owned by the King Cove Corporation so that a road can be built through the [Izembek National Wildlife Refuge.](#)”  
[Court Rehearing Granted For Izembek National Wildlife Refuge — The National Wildlife Refuge Association.](#)

There are certain places of surpassing importance to a host of migratory bird species, and Izembek Lagoon is one of them. Also at stake in this case is the precedent of protecting Congressionally designated wilderness areas, which are important wildlife habitat, from the construction of roads in direct opposition to the intent of the Wilderness Act. The battle to protect Izembek Lagoon is not over, and Skagit Audubon should continue to follow this issue and speak out as needed to protect this important place in the migratory route of the birds that winter here in Skagit County.

##### **5. March Point (Whitmarsh) Toxic Waste Dump Clean-up Delayed**

Skagit Audubon supports the Department of Ecology’s plans to remediate the long-closed March Point (Whitmarsh) Dump to stop the leaching of toxic material into the adjacent wetland and Padilla Bay. The dump site lies between the March Point heronry, probably the largest on the West Coast, and Padilla Bay. Because Skagit Land Trust owns most of the property on which the herons nest, the Trust has been and continues to be very involved in monitoring the clean-up plans and timing. Great Blue Herons can be quite tolerant of disruption but as often as not can react during the nesting season by abandoning their nests, as happened some years ago at the Samish Island heronry.

Clean-up activity was to begin in earnest in the spring of 2023 but now has been postponed for a year because of a missed deadline for obtaining a required permit from BNSF Railway. The railway tracks lie between the dump and Padilla Bay. Skagit Audubon provided comments to DOE during the planning stages of this clean-up project and continues to communicate with Skagit Land Trust about the project as it proceeds.

### **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: [AduBlog | Audubon Washington](#).