

NORTHWEST ENVIRONMENTAL ADVOCATES



December 2025

Winter 2025 Newsletter

Dear Friends:

There is no getting around it: these are very distressing times. When you no longer recognize your country, perhaps the ongoing inertia of agencies' failing to protect the environment seems less important than it used to. But really, it is the same crippling corruption that puts public health and the environment after profits . . . just now on steroids.

In our lawsuits, NWEA ***persistently*** tackles the fairytale that our government is doing everything required by law to protect endangered salmon. Our cases build on the simple fact that the only way to give our region's cold-water species a chance is to surround streams with deep shade. We advocate in our unique way to keep trees standing and get new ones planted.

The other fairytale we challenge is that agencies are doing everything the law requires to protect Puget Sound and its beleaguered killer whales. Nothing could be further from the truth.

We greatly appreciate your support for our work to strengthen the Clean Water Act in the face of regulatory agencies that simply refuse to do their jobs.

When we go into court, we are representing your interests—our members—a job we do best with your support, whether you're signing a declaration to support NWEA's standing in court or making a financial contribution. We depend on all of our members!

PUGET SOUND DISSOLVED OXYGEN: THE CASE IS NOW IN THE HANDS OF THE FEDERAL COURT

Aquatic animal life—whether fish, whales, or crabs—requires dissolved oxygen to survive and to thrive. The U.S. Environmental Protection Agency (EPA) and Washington Department of Ecology have known since the 1980s that Puget Sound has an excess of nitrogen, a pollutant that sucks dissolved oxygen from water, causing “dead zones.”

With the Puget Sound region's tremendous population growth has come increased nitrogen and lowered dissolved oxygen levels, prompting the agencies to develop a sophisticated model of the Sound. The Salish Sea Model predicts how nitrogen moves around Puget Sound and has demonstrated that treated sewage is the primary source of excess nitrogen, leading Ecology to declare that all sewage treatment plants contribute to Puget Sound's low dissolved oxygen. Even so, only a single sewage treatment plant of the roughly 100 that discharge nitrogen to Puget Sound is required to remove nitrogen, despite NWEA's numerous legal actions taken since 2016.

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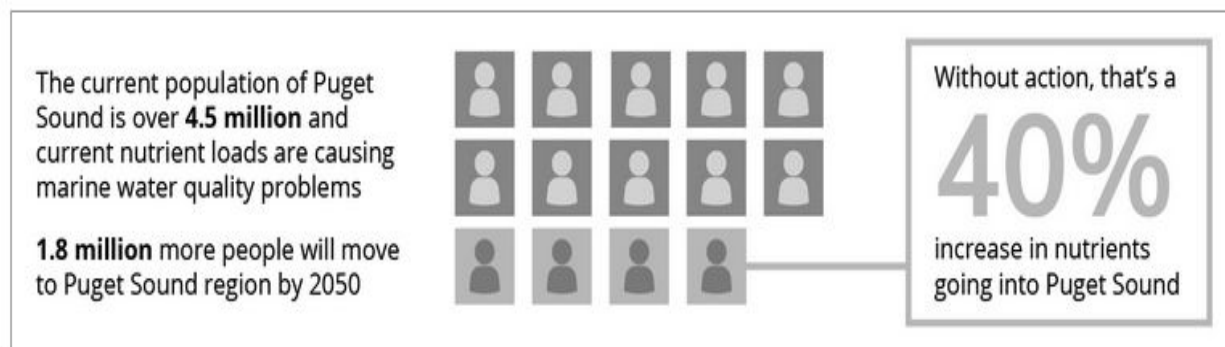
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NWEA actions have caused Ecology to take important steps, but EPA and Ecology persistently refuse to require pollution controls on sewage treatment plants. Now, this fall, we have fully briefed a federal court to force the agencies to comply with the Clean Water Act.

NWEA's lawsuit challenges EPA's long-standing failure to develop the clean-up plan the law demands for Puget Sound, called a Total Maximum Daily Load (TMDL). Once a TMDL is in place, discharge permits must include the nitrogen restrictions that have been missing for so long. For example, a TMDL for Long Island Sound achieved a 57 percent cut in nitrogen from over 100 sewage treatment plants in 15 years. By doing all of the technical work but never completing a TMDL for Puget Sound using the model results, the Department of Ecology has been able to get away with not regulating such big-time polluters as King County and the City of Tacoma, both of which intervened in our lawsuit to oppose the development of a TMDL.

Ecology is not ignorant. Since 2014, the agency has warned of the threat to Puget Sound from population growth. Its current website contains the succinct explanation of the problem shown in its graphic below. What Ecology lacks is the courage of its convictions.



NWEA is represented in this case by attorneys Andrew Hawley and Sangye Ince-Johannsen of Western Environmental Law Center; Jamie Saul of the Wild & Scenic Law Center; and Bryan Telegin of Telgin Law.

LAWSUIT TARGETS COLD-WATER REFUGES TO SAVE COLUMBIA RIVER SALMON FROM HIGH TEMPERATURES

The Columbia River is home to salmon species that are being pushed to extinction by unsafe water temperatures. Salmon and steelhead migrating through these lethal temperatures are forced to turn to a series of cold water refuges to gain relief from the deadly heat. Each of these refuges is created by tributary rivers—such as the Deschutes, Sandy, and Hood Rivers in Oregon, and the Lewis and White Salmon Rivers in Washington. But with declining stream flows and climate change, soon these tributaries, and the cold-water refuges they create, will be too warm to protect salmon. And there are no refuges upstream of Oregon's Deschutes River.

This year NWEA engaged two experts to show the federal court in our lawsuit that EPA's plan to protect cold-water refuges by relying exclusively on dozens of older plans—some decades old—will not lead to any improvements. Contrary to EPA's wishful thinking, there is no magic dust conferred on these ineffective plans just because EPA cited to them in its own plan.

NWEA's lawsuit against EPA and the National Marine Fisheries Services (NMFS) seeks to bring real-life cold-water refuges to migrating salmon, not just the agencies' paper plans.

NWEA is represented in this case by Allison LaPlante at the Center for Biological Diversity; Lydia Dexter at Cultural Heritage Partners; Zach Nacev at Earthrise Law Center; and Bryan Telegin of Telegin Law. Thanks to experts Bob Baumgartner and Dr. Chris Frissell.

WORKING AGAINST NEW PRESSURE TO BUILD MORE NUCLEAR REACTORS IN OREGON AND WASHINGTON

Preventing climate change requires swift actions with short term impacts, as well as being cost-effective and enduring. That's why NWEA opposes the new nuclear power plants while supporting energy efficiency and renewable sources. It's also why NWEA is working with others in the Pacific Northwest and nationally to counter pro-nuclear propaganda, explaining at least six reasons why nuclear power is not an option: (1) long delays, (2) higher electric bills, (3) risk of nuclear theft/terrorism, (4) cancer, birth defects, and chronic diseases, (5) water consumption, and (6) nuclear power actually makes climate change worse.

The need for action is urgent. Washington State is supporting Energy Northwest's (formerly "WPPSS") partnering with Amazon to build reactors at the Hanford Nuclear Reservation to power water-guzzling data centers. In Oregon, pro-nuclear forces are seeking to overturn the 1980 ballot measure requiring the existence of a permanent high-level nuclear waste dump and a public vote before a nuclear power plant can be built. But in good news, the Oregon Department of Energy recently reported that Oregon can meet its climate goals without new nuclear power.

PUGET SOUND LAWSUIT—ABOUT LOGGING'S EFFECT ON STREAM TEMPERATURES— IS NOW BEFORE THE COURT

Temperature pollution, primarily from logging and farming, affects rivers and streams throughout the Pacific Northwest. While climate change is a contributor, it is the removal of streamside trees and stream flows that drives most warming.

The Deschutes River flowing into Puget Sound's Budd Inlet is nothing special in this regard; it's merely yet one more example of how the states and EPA give lip service to protecting salmon from stream temperatures without doing anything. We have now briefed the federal court in our lawsuit challenging two TMDL clean-up plans for the Deschutes River. These TMDLs absurdly endorse the very same logging practices that have already rendered 91 percent of the watershed lethal to salmon, as if continuing to do the same thing will result in a different outcome.

This lawsuit also challenges Ecology's reliance on a future fake clean-up plan for Puget Sound to reduce by—a whopping 61 percent—nitrogen entering Budd Inlet. In its Budd Inlet TMDL, Ecology claimed its future plan would include *individual* pollution reduction limits for all Puget Sound sources. No surprise that this summer's draft plan for contained zero individual limits.

NWEA is represented in this case by Bryan Telegin and Abbie McCeney of Telegin Law, and Kevin Cassidy and Zach Nacev of the Earthrise Law Center. Thanks to experts Alison Gallensky of Rocky Mountain Wild and Bob Baumgartner.

POSSIBLE GOOD NEWS FOR THE WILLAMETTE & OTHER OREGON RIVERS AND STREAMS

As a result of NWEA's last lawsuit on Oregon's failure to properly regulate pollution sources that raise the temperature of rivers and streams, the Oregon Department of Environmental Quality (DEQ) and EPA are under court order to replace TMDL clean-up plans for all or a portion of the Willamette, Umpqua, Rogue, John Day, Snake River/Hells Canyon, Lower Grande Ronde, Hood, Malheur, and Umatilla river basins by the end of 2029. All of these existing temperature TMDLs illegally changed Oregon's water quality standards—to temperatures often high enough to be lethal to salmon.

Likely as a result of pressure from other NWEA litigation, Oregon DEQ has taken this opportunity to *potentially* improve the likelihood that these TMDLs will be a force for good. To date, the largest contributors to stream warming—logging and farming—have ignored the TMDLs with impunity. Now, for the first time, DEQ has explicitly stated in its replacement Willamette TMDL that Oregon logging rules are “likely” not adequate and Oregon farming rules are flat out worthless. The TMDL also says that 120-foot streamside forested buffers are needed. Unfortunately, DEQ gives its sister agencies over five years to tell Oregonians how they will meet these requirements, so the jury's going to be out for some time on how this helps salmon.

FROM LAWSUITS TO POLICY, NWEA IS WORKING FOR YOU

Please check out our website. There, you can join as a NWEA member—paid or entirely free—or just sign up for email updates.

When you support NWEA, you are supporting the enforcement of the nation's environmental laws in Oregon, Washington, and Idaho—and nationally. But NWEA does a lot more. Because we're often the “go-to” group on clean water issues, you are also helping the organizations, citizens, and journalists across the region and the country who rely on NWEA for our expertise.

Please remember that Northwest Environmental Advocates does a lot with very few resources so we count on your financial support. Contributions are tax deductible and greatly appreciated! It's easy to donate on our website, where you can also read more about our work.

Sincerely,



Nina Bell
Executive Director

P.S. NWEA's job is to make EPA and the states do their jobs. We may lack the fancy slogans and glossy magazines, but we're putting your financial contribution to work enforcing the nation's environmental laws. **NWEA guarantees you a no frills operation—giving you highly credible and vigorous advocacy.** I hope that you will consider making a tax-deductible contribution to NWEA where your contribution will be put to good use!