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THE SUQUAMISH TRIBE

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Laurie Niewolny
Aquaculture Specialist and Permit Coordinator
Washington State Department of Ecology
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RE: Salmon Net Pen Water Quality Individual Permits for Cooke Aquaculture

Dear Ms. Niewolny:

This letter provides the Suquamish Tribe's comments regarding the Cooke Aquaculture Pacific (Cooke) National Pollutant Discharge Elimination System (NPDES) permit applications to modify existing water quality permits for four Puget Sound net pens. Cooke's requested modification is to raise all-female, triploid rainbow trout, also known as steelhead (*Oncorhynchus mykiss*), in its net pen facilities in Rich Passage and at Hope Island, instead of Atlantic salmon. The Suquamish Tribe (Tribe) is opposed to the modification permitting Cooke to raise steelhead instead of Atlantic salmon.

The Suquamish people have lived, gathered plants, collected ceremonial and spiritual items, hunted, and fished for thousands of years in western Washington State. The Tribe is a federally recognized Indian Tribe and pursuant to the 1855 Treaty of Point Elliott, the Tribe reserved the right to fish and gather shellfish at its "usual and accustomed" (U&A) fishing grounds and stations in Puget Sound. The Tribe's U&A includes the marine waters from the northern tip of Vashon Island to the Fraser River in Canada, including Haro and Rosario Straits, the streams draining into the western side of Puget Sound and Hood Canal. Cooke's three Rich Passage net pens are within the Tribe's exclusive U&A.

In 2017, Cooke's net pens at Cypress Island collapsed resulting in the release of hundreds of thousands of Atlantic salmon into Puget Sound. Cooke's poor maintenance of the facility amounted to negligence and was the sole cause of the incident. Cooke ended up paying a \$332,000 penalty to the state and settled a separate lawsuit brought by Wild Fish Conservancy for \$2.275 million. In 2018, Washington State banned all future farming of Atlantic salmon in state waters and ordered the phase out of any existing Atlantic salmon farms by 2025 in Engrossed House Bill 2957.

The Tribe has been consistent in its opposition to all farming operations of native and non-native finfish within the Tribe's U&A. Farming is where fish are reared, raised, and eventually harvested within the same facility. The Tribe supports temporary net pen rearing facilities where

native fish are introduced to the net pen for a limited amount of time for acclimation and then released (delayed release). The Tribe also supports the use of net pens for rearing to adulthood to support conservation-based captive brood recovery programs for native salmon species and populations.

Many of the problems that are associated with the farming of Atlantic salmon in net pens are also problematic with the farming of steelhead. Problems and impacts include:

- Marine net pens are open and any chemicals, medicines, food, or metabolic wastes that result from their operation are released directly to the waters of Puget Sound. Farming practices have longer term and greater impacts (from longer residence time and greater biomass to support) than a native delayed release or conservation-based captive brood recovery programs;
- Excessive densities from farming also results in changes in the benthic environment (more fines, changes in species assemblages);
- Increase in the loading of exogenous nutrients to local waters (there are multiple low dissolved oxygen 303(d) listings in proximity to Cooke's Rich Passage facilities);
- Large aquaculture facilities and operations like those in Rich Passage attract nuisance species like seals and sea lions which may increase predation on local native populations of salmon and steelhead;
- Large aquaculture facilities attract native finfish species (including salmon and steelhead) subjecting them to numerous risks including predation, disease, and entrapment within net pens;
- Large aquaculture facilities, sited in the U&A of the Tribe, interfere with the Tribe's ability to exercise its treaty-reserved rights to fish in those locations.

Cooke's proposal introduces the additional risk that fertile steelhead raised within Cooke's facilities could escape and interact with native, natural origin steelhead occurring in local streams. The Tribe's main concern with this proposal is the risk posed to the genetic integrity of our local demographically independent population of Puget Sound steelhead from genetic introgression of farmed steelhead. If there were a release of similar size to Cypress Island, the number of farmed steelhead in local waters would greatly outnumber steelhead of local and natural origin. The effect of genetic introgression of these farmed steelhead with the locally adapted natural origin steelhead could reduce fitness, survivability, and ultimately push natural origin stocks past the point of recovery.

The rate of occurrence of fertile, diploid steelhead that will end up in Cooke's net pen facilities is reported to be 0.17%. A release of 300,000 farmed steelhead (similar to the release of Atlantic salmon that occurred from Cooke's negligent release from its Cypress Island facility in 2017) would result in an expected release of approximately 500 fertile, farmed steelhead of non-local origin to local waters.

Cooke's Rich Passage facilities are located within the geography of the East Kitsap Demographically Independent Population (EK DIP) of the PS Steelhead Distinct Population Segment (DPS). Rather than spawning throughout a single watershed like most other PS Steelhead populations, the EK DIP utilizes numerous small, independent streams that drain directly into Puget Sound for spawning and rearing. The limited habitat present in the small

streams that make up the EK DIP area means that only small aggregations of steelhead spawn in any given stream system. Recently developed recovery goals for the EK DIP call for a total adult abundance of 841 – 3000 spawners. Current abundance is much lower than this. Escapement of 500 fertile steelhead from the Rich Passage facilities would likely outnumber local origin abundance in its currently depressed state. Even if only a fraction of farmed fertile steelhead reach local spawning grounds, the potential for genetic impacts is far too great. The impact of genetically compromising the EK DIP needs to be considered in the context of DPS-level recovery. Each of the 3 Major Population Groups making up the DPS must reach viability. Within the Central and South Puget Sound MPG, NOAA requires at least one of the following DIPs achieve viability: North Lake Washington Tributaries, Cedar River, EK, or South Sound. The North Lake Washington and Cedar River populations are critically depressed, thus increasing the importance of recovering the EK DIP. Cooke's proposed permit modification poses too great a risk to recovery efforts for the EK DIP and should be denied.

Given that three of the facilities are in the Tribe's exclusive U&A and our concerns about impacts to native steelhead populations, the Tribe requests that Department of Ecology deny Cooke's permit modifications. The Suquamish Tribe requests formal government-to-government consultation with Department of Ecology in advance of issuing its decision on Cooke's permit modifications to discuss our concerns.

Sincerely,

Rob Purser

Rob Purser Jr.
Director of Suquamish Fisheries Department

Cc: Joenne McGerr, WDNR