



Washington State Senate

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Washington Department of Ecology

To Whom it May Concern:

This letter provides comments on the application by Cooke Aquaculture for Water Quality Discharge Permits associated with farming of steelhead in net pens located in Puget Sound. For the reasons set forth below, I urge the department at a minimum to delay acting on the applications until the department and other state agencies with jurisdiction conduct a comprehensive policy and scientific review of the impacts of finfish aquaculture in the state's marine waters, and not before related legal challenges are resolved. If the department feels compelled to act before such these reviews are completed, I urge the department to consider all relevant scientific information regarding the potential impacts of discharges to Puget Sound waters and to deny the permits unless specific conditions may be imposed to eliminate the adverse impacts from such discharges.

The department should not act upon the applications until related legal challenges are resolved

Cooke's steelhead aquatic farming activities in Puget Sound waters cannot be undertaken unless the permits from the state Department of Fish and Wildlife (DFW) are upheld following resolution of a legal challenge currently before the superior court. The plaintiffs in that challenge contend that DFW placed too much reliance on a 30-year old environmental analysis in determining that a full environmental impact statement was not necessary under the State Environmental Policy Act (SEPA). As explained more fully below, it is critical that a current programmatic analysis of the impacts of such aquatic finfish farming in these waters be undertaken, and any new operations be reviewed in light of this updated scientific information and assessments of the condition of threatened and endangered salmon and other aquatic life.

Additionally, the discharges from these proposed operations pose potentially significant adverse impacts to benthic life. With the US Environmental Protection Agency's approval of the state's sediment management standards also under legal challenge, a decision to authorize these additional discharges should not be made until this dispute over the applicable standards is resolved.

Permits for new finfish net pen rearing should be held in abeyance until a new programmatic EIS and scientific review is conducted

In determining that a full environmental impact statement (EIS) was not necessary and that a mitigated determination of nonsignificance (MDNS) was compliant with SEPA, the Department of

Fish and Wildlife's reliance on an EIS conducted in 1990 in issuing permits for these activities is currently being challenged in court. There has been extensive scientific information since that time regarding the impacts of finfish net pen rearing in marine waters, and all of the state agencies with regulatory jurisdiction over such activities -- Ecology, Fish and Wildlife, and the Department of Natural Resources -- should undertake a new comprehensive SEPA review before approving rearing of fish that may be the same species as our "native" fish but which are far different than our "wild" fish. Were an escapement to allow migration of the from these fish into the gene pool of our wild steelhead, the consequences could be deleterious to our wild fish recovery goals.

The applications should be held until the ongoing SEPA litigation is resolved

Even if a multi-agency new programmatic EIS is not undertaken, Ecology should defer any decision pending the outcome of the SEPA challenge to the WDFW permits. That challenge may generate additional information bearing on potential impacts to water quality standards (including fish and other aquatic life). Additionally, even if the MDNS is upheld, it requires Cooke to develop a "no-recovery response plan" that will have a bearing on the pollution prevention plan required in any Ecology water quality discharge permit for these activities.

The proposed net pen rearing poses a substantial risk that applicable water quality standards will be violated

Should Ecology choose to move forward now to make decisions on these applications in the absence of a comprehensive SEPA review, it must nevertheless ensure that relevant scientific information on potential water quality impacts from the proposed net pen rearing be considered. As other commenters will certainly outline in comments to the department in greater detail, there is substantial evidence that discharges from finfish net pens are harmful to benthic life as well as aquatic life throughout the water column. Even if these biologically altered fish do not escape the net pens, the discharges from fecal matter, dead fish, medicines, and feed will be harmful and cannot be mitigated. For example, the attraction of forage fish as well as endangered juvenile salmonids to the food dispersed in the pens could subject important species to predation within the pens.

For all of the foregoing reasons, I urge the department to deny the Cooke applications for discharge permits to raise triploid steelhead in net pens on state-owned aquatic lands. Thank you for considering these comments. I look forward to the department's decisions on this matter.

Sincerely,



Christine Rolfes

State Senator

23rd Legislative District