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Cooke Aquaculture Pacific

PO Box 669 Anacortes, WA 98221 Phone: (360) 293-9448 Fax: (360) 293-0558

Ms. Laurie Niewolny
SW Regional Office
PO Box 47775
Olympia, WA 98504-7775

October 23, 2020

Re: Comments on Draft Statement of Basis and Draft Permit Modifications to NPDES Permits WA0031526, WA0031542, WA0031534, and WA0031593 to Raise All-female Triploid Steelhead Trout

Dear Ms. Niewolny-

Thank you for the opportunity to review and comment on the draft statement of basis and the draft modified NPDES permits for the Clam Bay, Orchard Rocks, Fort Ward and Hope Island farm sites. As you know, our company has submitted applications for the necessary permits to allow us to transition from growing Atlantic salmon to now begin growing native triploid all-female rainbow trout (aka steelhead in their anadromous form). Rainbow/steelhead trout, *Oncorhynchus mykiss* the obvious and natural next step for Washington's net pen farms for many reasons. Both the Atlantic salmon and the rainbow/steelhead trout are members of the sub-family Salmoninae, and both species of fish have very similar life cycles and physiological attributes. We are confident that this change to a native fish species represents little change to the discharge characteristics from the net pen facilities. Transitioning to growing a similar species of fish to the Atlantic salmon will allow our employees to utilize their historic site-specific knowledge and their substantial fish growing experience towards growing native steelhead stocks at the farms.

Beginning in the 1970's, the fledgling salmon net pen growers in Washington state started raising several different species of salmonids including Coho, Chinook, steelhead trout and also some Atlantic salmon. By the mid-1980's, the marine net pen farmers in Washington state, and in other countries around the world, began focusing primarily on commercially raising Atlantic salmon. At that time, Atlantic salmon presented several advantages to the marine finfish farmers such as having a well-researched biology; the available captive brood stock supply; developing breeding programs that were continually improving the growth rates, harvest yields and survival rates of the fish being raised in this relatively new (at the time) culturing environment; and importantly, the ability to be harvested year round and sold fresh to seafood customers. While Atlantic salmon make up most of the production coming from marine net pens around the world, other species of salmon and finfish have emerged as candidates for cold-water marine net pen culture. Coho salmon and steelhead trout for instance are commercially grown in Chile, while Chinook salmon are grown in New Zealand. The country of Norway, which is the world's largest producer of farmed salmon, raises primarily Atlantic salmon, but has increased the amount of steelhead it produces for both their own domestic consumption and as an export commodity to other countries such as the United States. Farming steelhead in marine net pens has continually increased over the years, and similar to the history of Atlantic salmon farming, substantial research has been and is continuing to be employed to improve the growing performance of these fish in commercial cage culture. Rainbow

trout/steelhead have also been widely cultivated for many years here in Washington in both public and private fish hatcheries, freshwater raceway culture, fish stocking programs and in freshwater net pens.

Fish culture techniques for both Atlantic salmon and steelhead trout are almost identical to each other, and the commercial feeds used to grow steelhead in cold-water marine net pen aquaculture is generally the same as is used for growing Atlantic salmon. Research also shows that the feed conversion ratios, feed utilization rates and nutrient waste production from both species are very similar. We are appreciative that Ecology is using solid scientific literature and consultation with state fishery experts and fish culturists in determining that the discharge characteristics are essentially the same as those from rearing Atlantic salmon. From our experience in growing fish in net pens, and based on the historical data and monitoring that has gone around the Washington farm sites, we have confidence that our farm facilities can continue to meet both water quality and sediment quality standards set forth by the NPDES permits. In addition, we believe Ecology is further ensuring the public that water quality standards will be maintained going forwards because of the increased reporting and sampling requirements that are included in the draft modified permits to raise steelhead.

We have reviewed the draft permits and have a few specific comments below.

- **Harvest Plan Reporting**

NPDES Permit Condition S9.W.a. (Page 27)- *Harvest Plan: Prior to harvest, report approximate dates for harvest. reporting, prior to harvest, report approximate dates for harvest.*

We request that Ecology reconsider this new requirement and remove it from the permit modifications entirely. Cooke believes this information is unnecessary and/or will not be useful to Ecology in managing the NPDES permits for the following reasons.

At the farm level, harvest schedules are subject to change and are dependent on outside variables such as sales, current market prices, processing plant scheduling disruptions, inclement weather forecasts, and as we experienced this year, the entire shut-down of the seafood market and normal distribution channels. The estimated or projected harvest plans and stocking plans are already required to be submitted to WDFW as a condition of the recently issued Marine Aquaculture Permit to raise all-female sterile steelhead. WDFW is the appropriate place for this type of reporting as WDFW is the agency that regulates fish transfers and fish health. The information supplied to WDFW can easily be shared amongst the state agencies, as is the case with much of the other reporting net pen operators submit to the agencies. Communication channels between the net pen operators and the regulatory agencies, and between the state agencies involved in regulating fish pens has improved greatly over the past several years. Cooke will continue to work cooperatively with these agencies at maintaining open communications channels but believes that supplying forecasted harvest plans may become overly complicated due to their ephemeral nature.

Lastly, we would like to mention that condition S2.B.2 of the existing permits, already requires the permittee to notify Ecology of the estimated or anticipated month when the fish population is likely to begin being first harvested (S.2.B.2-*Submit a SAP within three months of permit issuance. Include in the SAP the approximate date first harvest would occur at the net pen facility and estimate the likely date(s) sampling would happen*). This information is provided to Ecology because it relates to the sediment monitoring requirements. The actual first date of harvest of the fish generation triggers the prescribed 45-day period in which the “Peak Biomass” sediment sampling and routine monitoring must occur. Cooke has

and will continue to comply with this permit condition, and this condition is appropriate as it has some actual meaning to Ecology with regard to monitoring sediments around the time of peak biomass.

We have some concern that incorporating duplicative requirements into two different permits (in the NPDES permits and Marine Aquaculture Permit), that may be subsequently issued at two different times, by two different state agencies, which may have different renewal cycles, could lead to conflicting permit conditions when one agency updates or modifies their permit conditions, while the other agency does not. As we have seen from previous iterations of permits issued to the net pen operators in Puget Sound in the past, this type of situation can occur and can lead to confusion, conflict and places unnecessary regulatory burdens on the permittee. Again, with that in mind, we would request Ecology review whether reiterating the same requirements or conditions already incorporated in a different agency's permit conditions is necessary.

- **Condition S10. AKART Analysis Report**

This section, as written, seems to directly contradict the adoption of AKART for net pens by Ecology through rule making in 1990, and those rules were subsequently challenged and upheld by the PCHB. WAC-173-221A-010 sets forth "minimum discharge standards which represent 'known, available and reasonable' methods of prevention, control, and treatment for marine finfish rearing facilities, a subset of "industrial wastewater facilities" that discharge to waters of the state. This section of the WAC defines AKART, so requiring compliance with WAC 173-240-110 makes little sense, given that AKART is already defined by rule for marine finfish rearing facilities. The PCHB has also explicitly ruled that upland farming is not AKART for marine finfish rearing facilities. Cooke is committed to exploring ways to reduce its discharge and works to implement new feasible technologies, but including an AKART analysis requirement in this modification seems to be both outside of the scope of the modification and inconsistent with Ecology's own regulations. We believe Ecology may be setting unreasonable and unlawful expectations with this requirement, and as such, this condition should be removed.

In sum, we believe by raising a native species, and by choosing to cultivate the all-female sterile steelhead trout stocks, we are continuing the path forward of what is an important seafood production method that can be done correctly and sustainably in Washington state.

Thank you for your consideration of our comments and we look forward to providing any further information to Ecology during this process.

Sincerely,



Kevin Bright, Permit Coordinator
Cooke Aquaculture Pacific, LLC

Ecc: Jim Parsons, Cooke Aquaculture Pacific
Rod Gould, Cooke Aquaculture

Doug Steding, Northwest Resources Law