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Ecology should not authorize Cooke Aquaculture's modified NPDES permits for the following reasons:

1. WDFW issued a Mitigated Determination of Nonsignificance and granted Cooke permits for operating steelhead farms. The WDFW decision was challenged in court and a decision on whether to require WDFW to prepare a full EIS is pending. Ecology should not make any decisions on Cooke's NPDES permits until the court has issued its decision. If the court requires a full EIS, Ecology should not make any decisions regarding the NPDES permit until a full EIS has been prepared and vetted.
2. The SEPA determination issued by WDFW in January 2020 requires Cooke to prepare a steelhead marking plan, and a "no-recovery response" plan in the event of farm fish escapes. Additionally, Cooke is planning to replace some net pens at its Orchard Rocks location, but no plans or engineering data on the new structures have been provided. Ecology should delay its NPDES decisions until it has received and reviewed the imminent submission of additional information about Cooke's proposed operations.
3. Following the 2017 Cypress Island net pen collapse, a Washington court ruled that Cooke had violated the terms of its permits in a variety of egregious ways. Ecology should not take action on the NPDES permit until it has assurance that Cooke's emergency response plans and protocols will address the inadequacies that resulted in the Cypress Island collapse.
4. Ecology's review for issuing a modified NPDES permit to Cooke should be based specifically on whether Cooke's proposed operations will meet the state's goals, as stated in HB 2957, to "eliminate...escapement and to eliminate negative impacts to water quality and native fish, shellfish and wildlife," instead of concluding simply that the conditions of the current NPDES application are similar to those of past permits.
5. The NPDES review should thoroughly evaluate existing data on the Cooke operations' effluents from industrial products, medicines, feed, fish waste, and dead and rotting fish. Evaluating only the difference between water quality impacts of salmon net pen operations, and those of steelhead, is inadequate and irresponsible.
6. The NPDES review should evaluate the genetic risks of the proposed steelhead farms to naturally spawning steelhead populations. The existing permit addresses genetic impacts of non-native Atlantic salmon.
7. Ecology should not issue NPDES permits until Cooke has requested and received agreement from all local, state, federal and tribal governments. At its regular meeting of October 13, 2020, the Bainbridge Island City Council unanimously voted to send to their consent agenda for adoption on October 27, 2020 [Resolution #2020-18](#), supporting Wild Fish Conservancy's application to lease the aquatic lands currently occupied by Cooke Aquaculture in Rich Passage, for the purpose of restoration and public benefit. Issuing an NPDES permit to Cooke for its Rich Passage operations would rebuke the Bainbridge Island City Council's aspiration for the restoration of Rich Passage.