



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

October 30, 2018

Ordinance 18808

Proposed No. 2018-0310.1

Sponsors McDermott

1 AN ORDINANCE renewing and extending a moratorium
2 under RCW 90.58.590 on the establishment of commercial
3 nonnative salmon net pen aquaculture facilities.

4 SECTION 1. Findings:

5 A. King County's native salmon runs are among the Puget Sound region's most
6 precious and irreplaceable natural resources.

7 B. The Shoreline Management Act of 1971, chapter 90.58 RCW, requires King
8 County to review its shoreline master program every eight years. The act requires King
9 County to complete its next review and make any necessary revisions to its shoreline
10 master program on or before June 30, 2019.

11 C. The purpose of the review under the Shoreline Management Act is: to assure
12 that the county's shoreline master program complies with applicable law and guidelines
13 in effect at the time of the review; and to assure consistency of the shoreline master
14 program with the King County Comprehensive Plan, county development regulations and
15 other local requirements.

16 D. Reviewing and making necessary revisions to the county's shoreline master
17 program is an extensive process, and the Washington state Department of Ecology offers
18 counties seventy-five thousand dollars in grant funding to help cover the costs.

19 E. In a letter dated August 30, 2017, the Washington state Department of

20 Ecology recommended steps for King County to begin preparing for the periodic review.
21 The letter also encouraged King County to combine any amendments to the shoreline
22 master program with the periodic review in order to address shoreline issues more
23 efficiently.

24 F. A single Shoreline Master Plan amendment process also provides interested
25 parties with more clarity on the scope of proposed changes and allows parties to
26 comprehensively review proposed changes in the context of other proposed amendments.

27 G. King County has started the process of reviewing its shoreline master program
28 as required by the Shoreline Management Act.

29 H. Aquaculture is an historic, water-dependent use of Washington's shorelines.
30 Aquaculture is the farming of fish, shellfish or other aquatic plants and animals, and has
31 been part of the culture of the Pacific Northwest for thousands of years. Aquaculture also
32 plays an important role in food production the Pacific Northwest.

33 I. Net pen aquaculture is the practice of raising fish in an underwater net that
34 serves as a pen. Two main types of net pen aquaculture exist in Washington:
35 commercial pens containing Atlantic salmon raised for market; and enhancement pens
36 raising native salmon for release into the wild and eventual tribal, recreational, and
37 commercial catch. Atlantic salmon is a nonnative salmon species in Washington.

38 J. Tribes have treaty rights covering native salmon species.

39 K. Commercial net pen aquaculture for raising nonnative species poses potential
40 risks to native salmon and the region's work to restore native salmon runs in Puget
41 Sound. Both the Washington state Department of Ecology and King County have a
42 policy and regulatory role in net pen aquaculture to manage this shoreline use and ensure

43 that commercial net pens for nonnative species do not put Pacific salmon recovery at risk.

44 L. Many native salmon species have become extinct or are in danger of
45 extinction. To reverse this trend and to help preserve one of the unique and most
46 precious attributes of our region, King County, area tribes, the state, the region and the
47 federal government have collectively invested millions of dollars over many years to help
48 restore native salmon species.

49 M. The policy, regulatory and scientific landscape for aquaculture continues to
50 evolve with new scientific discoveries, advances in engineering and technology and
51 competing shoreline uses.

52 N. Vashon and Maury Islands are unique in that they comprise all of the marine
53 shoreline in unincorporated King County.

54 O. K.C.C. 21A.25.110 governs aquaculture in King County, including
55 commercial net pen aquaculture.

56 P. In August 2017, a commercial net pen at Cooke Aquaculture's Cypress Island
57 fish farm failed and released thousands of farmed Atlantic salmon into the Salish Sea
58 between Anacortes and the San Juan islands. About one hundred thousand of the
59 Atlantic salmon escaped and infiltrated waters all over Puget Sound and beyond. The
60 failure has been called one of the worst fish farm disasters in state history.

61 Q. The escape of nonnative species may threaten native species, because
62 nonnative species may act as predators, compete for food, or spread disease and parasites.

63 R. Following a multi-agency investigation, Washington state officials concluded
64 that Cooke Aquaculture was responsible for the failure, including "significant violations
65 of Washington's water quality laws." The Washington state Department of Ecology fined

66 Cooke Aquaculture for those violations, and the Commissioner of Public Lands
67 concluded, "The collapse was not the result of natural causes" and that "Cooke's
68 disregard caused this disaster and recklessly put our state's aquatic ecosystem at risk."
69 The 2017 Cypress Island Atlantic Salmon Net Pen Failure: An Investigation and Review,
70 conducted by the state of Washington and dated January 31, 2018, is hereby incorporated
71 by this reference as part of the findings supporting the renewal of the moratorium.

72 S. Following the Cypress Island fish farm failure, Cooke Aquaculture announced
73 plans to transfer as many as one million Atlantic salmon smolts to a facility across from
74 Bainbridge Island.

75 T. In light of the results of the state investigation, the fragile state of native
76 salmon runs in King County and Puget Sound and the evolving policy, technology and
77 scientific landscape related to commercial net pen aquaculture, King County must review
78 aquaculture provisions in K.C. C. chapter 21A.25 as part of the periodic review of the
79 shoreline master program.

80 U. A review of K.C. C. chapter 21A.25 is essential to address the findings from
81 the Cypress Island investigation, scientific and technological and other developments
82 since the last update, to consider current best practices for commercial net pen
83 aquaculture facilities and operations and competing uses for King County's limited
84 marine shorelines and to coordinate with the Washington state Department of Ecology,
85 which administers the Shoreline Management Act and must approve amendments and
86 updates to the county's shoreline master program and implementing regulations.

87 V. Incorporating the information from the review, the process should also
88 identify any appropriate amendments to ensure the protection of tribal treaty rights and

89 King County's investment in native salmon recovery, balancing the needs of competing
90 land uses for King County's limited shorelines, particularly those involving nonnative
91 species.

92 W. The siting of any new commercial nonnative salmon net pen aquaculture
93 operation along King County's limited marine shorelines before the review could threaten
94 years of work and millions of dollars in investments to protect Puget Sound's native
95 salmon species.

96 X. On November, 27, 2017, pursuant to RCW 90.58.590, the County council
97 passed Ordinance 18617 as an emergency, declaring a six-month moratorium on the
98 establishment of commercial salmon net pen aquaculture facilities that contain salmon
99 species not indigenous to Puget Sound or the introduction of any salmon species not
100 indigenous to Puget Sound in any existing facility.

101 Y. Following the adoption of the moratorium, the executive transmitted the
102 required work plan for addressing and remedying the issues and circumstances
103 necessitating the moratorium.

104 Z. The detailed work plan indicates that significant work is required to address
105 the issues and that completing the work will take more than six months.

106 AA. RCW 90.58.590 authorizes two six-month extensions of the original
107 moratorium, and on May 29, 2018, the council extended the original moratorium for six
108 months in accordance with the statute.

109 BB. The results of the detailed work plan will help inform recommendations and
110 potential policy changes; to ensure sufficient time to complete and evaluate this work, an
111 additional extension of the moratorium is needed.

112 SECTION 2. A. The moratorium declared under Ordinance 18617 and renewed
113 and extended by Ordinance 18736 on the establishment or expansion of commercial
114 salmon net pen aquaculture facilities that contain salmon species not indigenous to Puget
115 Sound is hereby renewed and extended for an additional six months. The moratorium
116 under this ordinance includes, without limitation, a prohibition on the acceptance of any
117 permit applications involving those facilities. All lawfully existing uses, including
118 indigenous salmon net pens, and all lawfully existing structures or other development as
119 of the effective date of this ordinance shall continue to be deemed lawful conforming
120 uses and may continue to be maintained, repaired and redeveloped, so long as the use is
121 not expanded, under the terms of the land use and shoreline rules and regulations in place
122 at the time of the moratorium.

123 B. For the purposes of this section, "expansion" includes, but is not limited to, the
124 introduction of any salmon species not native to Puget Sound in any existing facility.

125 This ordinance does not preclude the expansion of net pen facilities with salmon species
126 indigenous to Puget Sound.
127

Ordinance 18808 was introduced on 7/16/2018 and passed by the Metropolitan King County Council on 10/29/2018, by the following vote:

Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn,
Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles
and Ms. Balducci
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

J. Joseph McDermott, Chair

ATTEST:

Melani Pedroza, Clerk of the Council



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CLERK
KING COUNTY COUNCIL

APPROVED this 5 day of NOVEMBER, 2018.

Dow Constantine, County Executive

Attachments: None