



Wild Fish Conservancy
N O R T H W E S T
S C I E N C E E D U C A T I O N A D V O C A C Y

Cooke Aquaculture Faces New Lawsuit Over Puget Sound Net Pens Harm to Threatened and Endangered Orcas, Chinook, Steelhead, and Other Protected Wild Fish

For Immediate Release

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February 10, 2021— Today, Wild Fish Conservancy (WFC) issued [notice of its intent to sue](#) seafood corporation Cooke Aquaculture Pacific (Cooke) for killing and harming threatened and endangered salmon, steelhead, orcas, and other protected species through operations at the company’s Puget Sound net pens. The notice describes WFC’s intent to file suit in 60-days unless these ongoing violations of the Endangered Species Act (ESA) are promptly addressed and corrected.

In today’s notice, WFC charges that Cooke’s net pen facilities kill, capture, trap, harm and otherwise “take”¹ federally-protected species without authorization violating section 9 of the ESA. These Puget Sound species include Chinook salmon, steelhead, bull trout, chum salmon, Boccaccio, Yelloweye Rockfish, and Southern Resident killer whale. This take occurs through a variety of mechanisms that occur during Cooke’s regular operations and during catastrophic events, including:

- bycatch² or incidental harvest of ESA-listed fish during Cooke’s harvest operations;
- the false attraction of ESA-listed fish and their predators to Cooke’s operations that causes disruption of essential behavior patterns and increased predation on protected fish species;
- the spread and amplification of harmful viruses, parasites, and diseases from infected farmed fish to wild, ESA-listed populations;
- bycatch of ESA-listed fish during efforts to recover farmed fish that have escaped from Cooke’s net pens;
- and chronic and episodic escape events that result in Cooke’s farmed fish degrading the genetics of threatened steelhead populations, and competing with ESA-listed fish species for food, habitat, and mates.

“For over thirty years, and now under Cooke’s ownership, commercial net pens in Puget Sound have been harming the very species in which the public, Tribal Nations, and all levels of government have invested millions of dollars annually to recover and protect,” says Kurt Beardslee, Executive Director of Wild Fish Conservancy. “We cannot allow this industry to continue profiting in our public waters while pushing imperiled salmon, steelhead, orcas and other iconic fish species closer to extinction.”

¹ Under section 9 of the Endangered Species Act, “take” means “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.”

² ‘Bycatch’, in the fishing industry, is a fish or other marine species that is caught unintentionally while catching certain target species and target sizes of fish. These unintentionally caught animals often suffer injuries or die.

The Conservancy's notice further alleges Cooke's operations harm ESA-listed Southern Resident Killer Whales by harming and killing Puget Sound Chinook and other salmon species which serve as a critical component of the whales' diet. This orca population is considered severely endangered due primarily to inadequate prey availability. Several populations of Puget Sound Chinook have already become extinct, and several others—including those within the Nooksack, Lake Washington, mid-Hood Canal, Puyallup, and Dungeness basins—have experienced critically low returns of less than 200 adult fish in recent years.

The Conservancy's charges are supported by [a new analysis by the Environmental Protection Agency \(EPA\)](#) which found Cooke's net pens are "likely to adversely affect" several iconic fish populations listed under the ESA, including Chinook salmon, steelhead, chum salmon, Bocaccio, and Yelloweye Rockfish in the Puget Sound region. As a result, NOAA Fisheries is currently conducting a comprehensive review (known as a 'biological opinion'³) under the ESA to further analyze and expand upon the EPA's initial finding. Once complete, this consultation is expected to subject Cooke to new requirements necessary to protect threatened and endangered species from further harm and may even require modifications of Cooke's current permits.

"Even our federal agencies acknowledge net pens cannot operate in Puget Sound without causing harm to protected species. As long as Cooke continues to operate commercial net pens in our public waters, this harm to threatened and endangered species will continue to occur," says Beardslee. "We encourage Cooke to join with progressive companies throughout the industry working in good faith to be a part of the solution and embracing the global transition to land-based, closed containment facilities that are capable of operating without harming the environment."

In November 2019, [Cooke was required to pay \\$2.75 million](#) as a result of a Clean Water Act lawsuit brought by WFC following a massive net pen collapse that released over 250,000 nonnative Atlantic salmon infected with an exotic virus into Puget Sound. These funds are contributing over one million dollars to the new ['Orca' fund](#), a grant program funding research and community outreach projects working to recover and protect endangered Southern Resident killer whales.

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[Full 60-Day Notice of Intent to Sue](#)

Wild Fish Conservancy is represented in this matter by Kampmeier & Knutsen, PLLC, of Portland, Oregon and Seattle, Washington.

Wild Fish Conservancy (WFC) is a nonprofit conservation ecology organization headquartered in Washington State and dedicated to preserving, protecting and restoring the northwest's wild fish and the ecosystems they depend on, through science, education and advocacy. Learn more at www.wildfishconservancy.org.

Since 2017, Wild Fish Conservancy has led Our Sound, Our Salmon, a grassroots campaign and coalition dedicated to protecting wild fish, water quality, and the greater health of Puget Sound from the adverse impacts of commercial net pen aquaculture. Learn more at www.oursound-oursalmon.org.

³ A document stating the opinion of the Fish and Wildlife Service or NOAA Fisheries on whether or not a federal action is likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat.