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Certified U.S. Mail – Return Receipt Requested

Cooke Aquaculture Pacific, LLC
4019 21st Avenue
Seattle, Washington 98119

RE: Notice of Intent to Sue for Take of Protected Species in Violation of Section 9 of the Endangered Species Act

To Whom it May Concern:

This letter provides notice of Wild Fish Conservancy's intent to sue Cooke Aquaculture Pacific, LLC ("Cooke") for causing "take" of threatened and endangered species in violation of section 9 of the Endangered Species Act ("ESA"), 16 U.S.C. § 1538, through operations of Cooke's commercial finfish aquaculture facilities in Puget Sound. This letter is provided pursuant to section 11(g) of the ESA, 16 U.S.C. § 1540(g).

Cooke's commercial salmon farms kill, capture, trap, harm and otherwise "take" ESA-listed species both through regular operations and as a result of sporadic but reoccurring events, such as structural failures leading to fish escapes, and disease, viral, and parasitic outbreaks. For example, Cooke's harvest operations result in substantial bycatch that captures and kills protected fish. Similarly, efforts undertaken to recapture escaped farmed fish following a net pen failure, such as efforts that occurred during the summer of 2017 when Cooke's Cypress Island Site 2 collapsed, result in bycatch of ESA-listed salmonids. Escaped farmed fish harm ESA-listed fish through competition for habitat and resources, and through genetic degradation when farmed fish interbreed with protected conspecifics. Further, harm occurs when ESA-listed fish and their predators are falsely attracted to Cooke's operations resulting in increased and unnatural predation, harassment, and disruption of essential behavioral patterns. Each of these mechanisms harm endangered Southern Resident Killer Whales by reducing availability of Chinook salmon and other salmonids that are a key component of their diet. Despite this, Cooke has never sought or obtained authorization for the take of protected species caused by its operations or reported take that is occurring.

The United States Environmental Protection Agency ("EPA") sent a letter dated October 1, 2018 to the National Marine Fisheries Service ("NMFS") seeking to reinstate ESA consultation on water quality standards specific to Puget Sound finfish aquaculture facilities. EPA requested that NMFS engage in formal ESA consultation, which is required for actions that are likely to adversely affect ESA-listed species. By letter dated October 3, 2018, NMFS agreed

to engage in formal ESA consultation. EPA completed a supplemental biological evaluation dated May 29, 2020 to facilitate the ESA consultation in which EPA found that Cooke’s operations are likely to adversely affect several ESA-listed salmonid and rockfish species. NMFS has yet to complete its consultation. When NMFS does complete consultation, its biological opinion is expected to authorize take associated with Cooke’s operations subject to certain requirements, including provisions to minimize impacts to protected species and to monitor and report take. *See* 16 U.S.C. § 1536(b)(4)(C)(iii), (iv), (o)(2); 50 C.F.R § 402.14(i)(1)(ii), (i)(1)(iv), (i)(3), (i)(5); *Ramsey v. Kantor*, 96 F.3d 434, 440–42 (9th Cir. 1996) (incidental take statement issued for a federal action can authorize take for non-federal entities).

Cooke was recently required to discontinue rearing nonnative Atlantic salmon in its Puget Sound net pen facilities under Washington State legislation passed in response to the Cypress Island Site 2 failure. However, Cooke is now seeking to commence commercial production of steelhead in some or all of its remaining Puget Sound salmon farms. Commencement of these operations by Cooke prior to authorization of take under the ESA will constitute continued violations of section 9 of the ESA, 16 U.S.C. § 1538.

I. Legal Framework.

Congress enacted the ESA to conserve imperiled species and protect the ecosystems upon which they depend. 16 U.S.C. § 1531(b). The statute assigns implementation responsibilities to the Secretaries for the Departments of Commerce and the Interior, who have delegated duties to NMFS and the United States Fish and Wildlife Service (“FWS”), respectively. *See* 50 C.F.R. § 402.01(b). NMFS generally has ESA authority for marine and anadromous species, while FWS has jurisdiction over terrestrial and freshwater species. *See id.* §§ 17.11, 223.102, 224.101.

Section 4 of the ESA prescribes mechanisms by which NMFS and FWS list “species,” defined to include a “distinct population segment of any vertebrate species that interbreeds when mature,” as endangered or threatened and designate “critical habitat” for such species. 16 U.S.C. §§ 1532(16), 1533(a); 50 C.F.R. § 424.02. Section 9 of the ESA and ESA implementing regulations make it unlawful to “take” listed species. *See* 16 U.S.C. § 1538(a)(1)(B); 50 C.F.R. § 223.203(a); 50 C.F.R. § 17.31. “Take” is defined broadly to include to harass, harm, wound, kill, trap, or capture a protected species. 16 U.S.C. § 1532(19). Harm includes “significant habitat modification” that “kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including, breeding, spawning..., [or] feeding....” 50 C.F.R. 222.102.

II. Factual Background.

A. Affected Species and Critical Habitat.

NMFS listed the Puget Sound Chinook salmon evolutionarily significant unit (“ESU”) as a threatened species in 1999. 64 Fed. Reg. 14,308 (Mar. 24, 1999); 70 Fed. Reg. 37,160 (June 28, 2005); 50 C.F.R. §§ 223.102(e) and 223.203(a). Critical habitat has been designated for this species. 70 Fed. Reg. 52,630 (Sept. 2, 2005).

Chinook salmon in Puget Sound are predominately “ocean-type,” meaning they migrate to saltwater during their first year after spending little or no time in freshwater. These fish make extensive use of the estuary and nearshore environments, which they enter when they are extremely small (less than 50 mm in length). The nearshore habitat—defined to extend outward from shore (including islands) to a water depth of approximately 30 meters (98.4 feet)—is therefore particularly important to Puget Sound Chinook salmon and has been designated as critical habitat for this species throughout Puget Sound. 50 C.F.R. § 226.212(i)(16); 70 Fed. Reg. 52,630, 52,637–38 (Sept. 2, 2005) (the significance of the nearshore environment to juvenile salmonids was the primary basis for its designation as critical habitat).

When NMFS listed Puget Sound Chinook salmon under the ESA, it found:

Overall abundance of Chinook salmon in the Puget Sound ESU has declined substantially from historical levels, and many populations are small enough that genetic and demographic risks are likely to be relatively high.

Several populations within this ESU 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. Puget Sound Chinook salmon are a critical component of the diet for Southern Resident Killer Whales, which are a severely endangered species due primarily to inadequate prey availability.

The Hood Canal summer-run chum salmon ESU is listed as a threatened species. 64 Fed. Reg. 14,508 (Mar. 25, 1999); 50 C.F.R. § 223.102(e). NMFS has designated critical habitat for this species. 70 Fed. Reg. 52,630 (Sept. 2, 2005); 50 C.F.R. § 226.212(m)(5). Summer chum do not rear in freshwater, but rather migrate to natal estuaries almost immediately upon emergence. These fish are less than 40 millimeters when they enter estuaries as emerging fry. Some summer chum may rear in natal estuaries for a period, while others move directly into shoreline habitats. The “continued survival [of this species] depends substantially on estuarine conditions.” NMFS has therefore designated the nearshore environment throughout Puget Sound as critical habitat for this species as well. 50 C.F.R. § 226.212(m)(5); 70 Fed. Reg. 52,630, 52,637–38 (Sept. 2, 2005) (the significance of the nearshore environment to juvenile salmonids was the primary basis for its designation as critical habitat). Hood Canal summer-run chum experienced a severe drop in abundance in the 1980s, and returns decreased to all-time lows in 1989 and 1990 with less than a thousand spawners each year.

The Puget Sound distinct population segment (“DPS”) of steelhead was listed as a threatened species in 2007. 72 Fed. Reg. 26,722 (May 11, 2007); 50 C.F.R. § 223.102(e). Puget Sound wild steelhead numbers are approximately 1 to 4% of their historical abundance. NMFS’s 2011 “status review” of this species stated that “[m]ost populations within the [Puget Sound steelhead] DPS are showing continued downward trends in estimated abundance, a few sharply so.” The estimated mean population growth rates for all but a few populations within the Puget Sound steelhead DPS are declining—typically by -3 to -10% annually. The Puget Sound Steelhead Technical Recovery Team recently assessed the extirpation risk of twenty of the twenty-three component populations of the Puget Sound steelhead DPS. Twelve of the twenty were rated as a “high” extirpation risk ($\geq 70\%$ probability in the next 20-100 years) and one

additional one was rated as a “moderately high” extirpation risk (50% probability in the next 100 years). Only seven of the twenty populations, or 35%, were rated as a “low” risk of extirpation.

FWS listed the coterminous United States bull trout population as a threatened species in 1999. 64 Fed. Reg. 58,910 (Nov. 1, 1999). Critical habitat for the species was designated in 2005 and revised in 2010. 70 Fed. Reg. 56,212 (Sept. 26, 2005); 75 Fed. Reg. 63,898 (Oct. 18, 2010).

NMFS listed the Puget Sound/Georgia Basin Bocaccio DPS as an endangered species and the Puget Sound/Georgia Basin Yelloweye Rockfish DPS as a threatened species in 2010. 75 Fed. Reg. 22,276 (Apr. 28, 2010); 50 C.F.R. §§ 223.102(e), 224.101(h).

NMFS listed the Southern Resident Killer Whale as an endangered species in 2005. 70 Fed. Reg. 69,903 (Nov. 18, 2005); *see also* 50 C.F.R. § 224.101(h). Critical habitat was designated for this species the following year. 71 Fed. Reg. 69,054 (Nov. 29, 2006); *see also* 50 C.F.R. § 226. This salmon-dependent population typically congregates in the inland waters of Puget Sound in the summer, fall, and late spring months, but it also ranges all along the coast of Washington, Oregon, and California, as far south as Monterey Bay, particularly in the winter and spring in search of Chinook salmon, its preferred prey. In 1995, there were 98 Southern Resident Killer Whales; today, there are 74. Insufficient prey, leading to decreased fecundity, is a primary cause of the species’ decline.

B. Cooke’s Commercial Aquaculture Farms in Puget Sound.

Cooke owns and operates the seven commercial salmon farms in Puget Sound. Two of the facilities are located in Deepwater Bay of Cypress Island—Cypress Island Sites 1 and 3. One net pen complex is northeast of Port Angeles Harbor just south of Ediz Hook.¹ There are three facilities south of Bainbridge Island in Rich Passage—the Fort Ward, Orchard Rocks,² and Clam Bay farms. Finally, Cooke’s Hope Island farm is located in Skagit Bay.

Net pens are floating facilities that contain salmonids in permeable enclosures in open marine water. Cooke transfers smolts from freshwater hatcheries to the marine net pens, where they are reared until they reach a marketable size. The fish are given feed, antibiotics, and other medications and treatments as necessary.

C. Cooke’s Operations Take ESA-Listed Species.

Cooke’s commercial aquaculture operations in Puget Sound cause take of ESA-listed species through several mechanisms. EPA’s May 29, 2020 supplemental biological evaluation found that Cooke’s operations are likely to adversely affect Puget Sound Chinook salmon, Puget

¹ Available information indicates that Cooke has removed some or all of the net pen structures at the Port Angeles and Cypress Island sites, but that it is continuing to challenge the Department of Natural Resources’ termination of Cooke’s lease for those locations.

² Available information indicates that Cooke recently removed some or all of the net pen structures at the Orchard Rocks site. Cooke’s lease for that location expires in 2022 and it is unclear whether Cooke intends to replace the structures.

Sound steelhead, Hood Canal summer-run chum salmon, Puget Sound/Georgia Basin Bocaccio, and Puget Sound/Georgia Basin Yelloweye Rockfish. Cooke's net pens also cause take of threatened bull trout (i.e., the Coastal-Puget Sound DPS of bull trout) and endangered Southern Resident Killer Whales.

1. Take Resulting from Cooke's Harvest Operations.

Cooke harvests fish by fastening a vessel to a farm, lowering a tube into a net pen, and suction pumping fish into the vessel. Cooke has not previously been required to monitor and report bycatch associated with these harvest operations, but similar harvest operations in Canada report significant bycatch of numerous fish species, including salmonids, such as Chinook salmon and chum salmon, and rockfish species. Cooke employees have been observed shoveling bycatch into Puget Sound during harvest operations, with pinnipeds and gulls waiting to feed on the discharged fish. The Washington Department of Fish and Wildlife ("WDFW") recently acknowledged this bycatch for the first time and predicted that bycatch would be similar to that reported in Canada.³ Discharging bycatch (otherwise known as chumming) encountered during harvest further results in take when protected species alter essential behavioral patterns, including migrations, due to this false attraction.

Cooke's harvest operations capture, kill, and otherwise take ESA-listed species, including Puget Sound Chinook salmon, Puget Sound steelhead, Hood Canal summer-run chum salmon, bull trout, Puget Sound/Georgia Basin Bocaccio, and Puget Sound/Georgia Basin Yelloweye Rockfish.

2. Take Resulting from False Attraction to Cooke's Net Pens.

Cooke's operations cause take by acting as an attractant for ESA-listed fish, including Puget Sound Chinook salmon, Puget Sound steelhead, Hood Canal summer-run chum salmon, bull trout, Puget Sound/Georgia Basin Bocaccio, and Puget Sound/Georgia Basin Yelloweye Rockfish.

Fish, birds, and marine mammals, including ESA-listed species, are attracted to Cooke's operations due to the unnatural concentrations of farmed fish, feed, waste, effluent, blood, and decomposing fish within Cooke's net pens that is discharged into the surrounding marine environment. Underwater cameras near Cooke's net pens have observed wild fish species entering the pens and aggregating near them to feed on discharged waste material. Take occurs when attracted predators, including marine mammals, birds, and other fish, prey upon ESA-listed fish present at the net pens at greater levels than would otherwise occur. Further take occurs when farmed fish within Cooke's net pens prey upon protected fish that are attracted to and enter Cooke's net pens. Take also occurs when ESA-listed fish alter essential behavioral patterns, such as migratory timing and distribution, because of the false attractant.

³ Bycatch data report in Canada is available here: <https://open.canada.ca/data/en/dataset/0bf04c4e-d2b0-4188-9053-08dc4a7a2b03>.

3. Take Resulting from Efforts to Recover Cooke's Escape Fish.

In addition to Cooke's harvest operations, bycatch of wild fish, including ESA-listed species, also occurs during efforts to recover farmed fish that have escaped their net pens. Cooke's operations are located in and adjacent to important migration corridors for protected fish species and conservation areas designated for protection due to their unique and sensitive habitat for a diversity of protected and other species. WDFW modified fishing restrictions to allow increased fishing in response to Cooke's 2017 farm collapse. Massive efforts were undertaken by Tribal and other fishermen to recover as many farmed fish as possible in response to that event. These efforts inevitably capture, trap, wound, kill, and otherwise take some ESA-listed fish.

Cooke's operations, through efforts undertaken to recover escaped farm fish, take ESA-listed fish, including Puget Sound Chinook salmon, Puget Sound steelhead, Hood Canal summer-run chum salmon, bull trout, Puget Sound/Georgia Basin Bocaccio, and Puget Sound/Georgia Basin Yelloweye Rockfish.

4. Take Resulting from Interactions with Cooke's Escaped Fish.

Take of ESA-listed fish species occurs when farmed fish escape from Cooke's net pens during large episodic events and through chronic small-scale leakage and then interact with wild ESA-listed fish. Such take occurs through ecological interactions and genetic interactions.

Take through ecological interactions occurs when escaped fish displace and compete with protected fish for resources, including, food, reproductive mates, and habitat, such as spawning and rearing grounds, and when escaped farmed fish prey on ESA-listed fish. Cooke and WDFW have acknowledged that Cooke's triploid fish have appetites that are likely to be considerably greater than wild juvenile salmon and steelhead due to the faster inherent growth rate of triploid fish.

Take through genetic interactions occurs when Cooke's escaped fish mate with their wild conspecifics. Cooke's farmed fish are highly-domesticated and genetically dissimilar to their wild conspecifics. Take occurs when escaped farmed fish breed with protected species resulting in genetic degradation and introgression. Monitoring conducted in Norway has demonstrated escaped farmed Atlantic salmon survive, feed, and grow in marine feeding areas at similar rates to wild Atlantic salmon, and survive to mature and return to Norwegian rivers to interbreed with wild fish, with known adverse population level impacts to the affected wild populations (Disreud et al. 2019, Glover et al. 2019, Karlsson et al. 2016, Skilbrei et al. 2015).

WDFW has acknowledged that Cooke's use of eggs treated to induce triploid sterility "would reduce, but not eliminate the risk" that farmed fish could interbreed with protected steelhead. Cooke's net pens are less than 20 kilometers (12.5 miles) from the mouths of several rivers that support ESA-listed steelhead populations, including the Elwha, Dungeness, Samish, Skagit, Stillaguamish, Cedar, and Green rivers.

Cooke's operations, through ecological interactions with escaped farmed fish, take ESA-listed fish, including Puget Sound Chinook salmon, Puget Sound steelhead, Hood Canal

summer-run chum salmon, and bull trout. Cooke's operations further cause take of Puget Sound steelhead through genetic interactions with escaped farmed fish.

5. Take Resulting from Disease, Viruses, and Parasites at Cooke's Farms.

Take of ESA-listed species occurs as a result of nonnative and native diseases, viruses, and parasites present at Cooke's industrial salmonid farms. Diseases, viruses, and parasites present in salmonid farms amplify levels of viruses or parasites in the marine environment above background levels and thereby increase rates of infection for wild fish. Take occurs not only when disease progresses to the point where it kills the wild fish, but also when the wild fish become less fit to survive or reproduce because they are expending energy to combat the virus or parasite.

Fish are reared in high densities in net pens in a manner that facilitates the spread of parasites, viruses, other diseases throughout the farmed population. While wild fish are often the initial source of endemic (native) viruses or parasites, high densities of infected farmed fish in a net pen amplify the pathogen levels in the environment and can thereby infect nearby wild fish. Studies on the transmission of pathogens from farmed fish to wild fish are difficult and limited in number. However, the amplification of pathogens and parasites by aquaculture operations does result in infection of wild fish.

Cooke's Puget Sound aquaculture facilities have experienced viral and parasitic outbreaks. For example, there was an outbreak of the infectious hematopoietic necrosis virus ("IHNV") at several farms in 2012. Similarly, testing of fish that escaped during the 2017 Cypress Island Site 2 failure and subsequent peer-reviewed research revealed that nearly 100% of the escaped fish were infected with a nonnative strain of the piscine orthoreovirus ("PRV")⁴ that likely originated in Norway and was likely imported via eggs Cooke purchased from Iceland. A recent study conducted by the Canadian government and university scientists discovered previously unrecognized viruses in dead and dying farmed salmon in British Columbia that are also widely distributed in wild salmon.⁵

WDFW expects that Cooke's operations will have high rates of infection of PRV-1. PRV is known to survive well in sea water and a recent study in British Columbia found that exposure to salmon farms increases the PRV infection rates for wild Pacific salmon.⁶ That study further

⁴ Kibenge, M.J.T., Wang, Y., Gayeski, N. et al. Piscine orthoreovirus sequences in escaped farmed Atlantic salmon in Washington and British Columbia. *Virol J* 16, 41 (2019). <https://doi.org/10.1186/s12985-019-1148-2>

⁵ Mordecai, G. J., Miller, K. M., Di Cicco, E., Schulze, A. D., Kaukinen, K. H., Ming, T. J., Li, S., Tabata, A., Teffer, A., Patterson, D. A., Ferguson, H. W., & Suttle, C. A. (2019). Endangered wild salmon infected by newly discovered viruses. *eLife*, 8, e47615. <https://doi.org/10.7554/eLife.47615>

⁶ Morton A, Routledge R, Hrushowy S, Kibenge M, Kibenge F (2017) The effect of exposure to farmed salmon on piscine orthoreovirus infection and fitness in wild Pacific salmon in British Columbia, Canada.

found evidence indicating that PRV infection in wild Pacific salmon may reduce their fitness for survival and reproduction in the wild; specifically, that PRV infection may reduce upstream spawning migration ability. This reduced fitness could be the result of the “cost of infection,” whereby the fish is required to divert energy to fight the viral infection. This study indicates that PRV-1 infections in Cooke’s Puget Sound salmon farms could have significant impacts on wild salmonid populations, even if the PRV infection does not progress to a disease.

Another recent study conducted in British Columbia found that PRV infection in Chinook salmon resulted in anemia and potentially lethal kidney and liver disease. The authors suggest Pacific salmon may be less immune and therefore more vulnerable to the virus than Atlantic salmon that co-evolved with this nonnative virus.⁷ In addition, a recent paper by Siah et al. (Virus Evolution 2020) evaluated the origin of PRV viruses found in wild and farmed salmon in the Pacific Northwest and determined that all were ultimately of Atlantic, primarily Norwegian, origin, and are not endemic (native) to the Pacific Northwest.

Another significant concern with marine aquaculture is sea lice. Sea lice are parasites occurring in marine waters and are influenced by various environmental factors, including salinity. Sea lice require certain salinity levels and therefore are not present on wild juvenile salmonids as they move out of the freshwater environment. Salinity at Cooke’s net pens is within a range known to be suitable for infestations of sea lice on salmonids, and outbreaks have been recorded at the net pens. Salmon farms infected with sea lice can expose small and more vulnerable wild juvenile salmonids to unnaturally high levels of sea lice as the wild fish migrate through the near shore environment in the vicinity of the net pens. Studies have found that survival of wild fish is negatively correlated with abundance of sea lice on salmon farms, as even low sea lice abundance levels can be harmful to juvenile salmonids. Climate change predictions for Puget Sound suggest changing ocean conditions have the potential to alter salinity and further increase the risk of sea lice outbreaks at Cooke’s operations in the future. In December 2020, the Canadian government announced a phase out of 19 salmon farms from the Discovery Islands region in British Columbia in response to severe sea lice outbreaks.

Cooke’s operations, through the amplification and transmission of viruses, other diseases, and parasites, take ESA-listed species, including Puget Sound Chinook salmon, Puget Sound steelhead, Hood Canal summer-run chum salmon, bull trout, Puget Sound/Georgia Basin Bocaccio, and Puget Sound/Georgia Basin Yelloweye Rockfish.

6. Take of Southern Residents through Reduced Prey.

ESA-listed fish impacted by Cooke’s operations, especially Puget Sound Chinook salmon, are a critical component of the diet for Southern Resident Killer Whales. Southern

PLOS ONE 12(12): e0188793. <https://doi.org/10.1371/journal.pone.0188793>.

⁷ Emiliano Di Cicco, Hugh W. Ferguson, Karia H. Kaukinen, Angela D. Schulze, Shaorong Li, Amy Tabata, Oliver P. Günther, Gideon Mordecai, Curtis A. Suttle, and Kristina M. Miller. The same strain of Piscine orthoreovirus (PRV-1) is involved in the development of different, but related, diseases in Atlantic and Pacific Salmon in British Columbia. FACETS. 3(1): 599-641. <https://doi.org/10.1139/facets-2018-0008>

Residents are severely endangered due primarily to lack of sufficient prey. Cooke's operations cause take of ESA-listed fish species as described herein, which causes take of Southern Residents by reducing the prey available to Southern Resident Killer Whales.

III. Cooke's Violations of the ESA.

As described above, Cooke's Puget Sound finfish aquaculture operations "take" ESA-listed species, including Puget Sound Chinook salmon, Puget Sound steelhead, Hood Canal summer-run chum salmon, bull trout, Puget Sound/Georgia Basin Bocaccio, Puget Sound/Georgia Basin Yelloweye Rockfish, and Southern Resident Killer Whales. Cooke has not sought or obtained an authorization or exemption for this take. Accordingly, this take resulting from Cooke's operations violates section 9 of the ESA, 16 U.S.C. § 1538.

IV. Party Giving Notice of Intent to Sue.

The full name, address, and telephone number of the party giving notice is:

Wild Fish Conservancy
15629 Main Street N.E.
Duvall, Washington 98019
Tel: (425) 788-1167

V. Attorneys Representing Wild Fish Conservancy.

The attorneys representing Wild Fish Conservancy in this matter are:

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Emma Bruden
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VI. Conclusion.

This letter provides notice under section 11(g) of the ESA, 16 U.S.C. § 1540(g), of Wild Fish Conservancy's intent to sue Cooke Aquaculture Pacific, LLC for violations of the ESA discussed herein. Unless the violations described herein are corrected within sixty days, Wild Fish Conservancy intends to file suit to enforce the ESA. Cooke should, at a minimum, not stock any of its Puget Sound net pens until NMFS issues its biological opinion on these operations and Cooke is able to comply with any requirements necessary to be exempt from liability for its take of ESA-listed species. Wild Fish Conservancy is available during the sixty-day notice period to discuss effective remedies and actions that will assure future compliance with the ESA.

Very truly yours,

KAMPMEIER & KNUTSEN, PLLC

By: 

Brian A. Knutsen

- c. Douglas Steding, Northwest Resource Law, PLLC (counsel for Cooke; via email only)
Michael Eitel, Department of Justice (counsel for EPA and NMFS; via email only)

CERTIFICATE OF SERVICE

I, Brian A. Knutsen, declare under penalty of perjury of the laws of the United States that I am counsel for Wild Fish Conservancy and that on February 10, 2021, I caused copies of the foregoing to be served on the following by depositing it with the U.S. Postal Service, certified mail, return receipt requested, postage prepaid:

Cooke Aquaculture Pacific, LLC
4019 21st Avenue
Seattle, Washington 98119

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