



Salmon Advocates Challenge Approval of Washington Net Pen Aquaculture Puget Sound Fish Feedlot Would Jeopardize Wild Steelhead, Salmon, Orcas

February 11, 2020 — Conservation and environmental groups filed a lawsuit today challenging a January decision by the Washington Department of Fish and Wildlife (WDFW) permitting Cooke Aquaculture to rear domesticated steelhead in Puget Sound net pens. State agencies failed to evaluate the scientific evidence that these fish feedlots would harm federally-listed steelhead, salmon, and Southern Resident killer whales, degrade water quality, and damage the overall health of Puget Sound.

A new permit issued by WDFW in January would allow Cooke Aquaculture's open-water net pens to continue operating in Puget Sound by transitioning from raising non-native Atlantic salmon to a highly-domesticated, partially-sterile form of steelhead. These farmed fish would be capable of interbreeding and exchanging pathogens and parasites with endangered wild Puget Sound steelhead.

Following a catastrophic net pen failure and escape of at least 250,000 Atlantic salmon at Cooke's Cypress Island facility in 2017, Washington state passed a law in 2018 banning Atlantic salmon net pen aquaculture by 2022. With this permit, Cooke will be able to exploit a loophole in the legislative phase-out by raising steelhead rather than Atlantic salmon.

The lawsuit was filed by Wild Fish Conservancy, Center for Biological Diversity, Center for Food Safety, and Friends of the Earth. It charges that the decision to permit this change in species poses significant environmental risks and that it depends on mitigation measures that will not prevent the well-documented environmental harm this proposal poses to Puget Sound.

"It's outrageous that once again the State is leaving the oversight of this industry to the public," says Kurt Beardslee, executive director of Wild Fish Conservancy. "After the Cypress net pen collapsed, our research discovered that nearly every fish that escaped was infected with a pathogenic exotic salmon virus that had been undetected by WDFW and unreported by Cooke. Our litigation has won settlements many times larger than the penalties levied by the State, and the State has left it to us and the pens' neighbors to detect serious problems. Given this history, it is beyond comprehension that WDFW would grant this permit without first completing a comprehensive assessment of its effects on our salmon, our sound, and our killer whales."

While the State fined Cooke \$332,000 for the 2017 collapse, WFC's lawsuit over those same violations and others uncovered only by WFC brought a \$2.75 million settlement. Until WFC presented the State with video of Cooke disposing of wild bycatch, WDFW accepted Cooke's word that they never caught anything but the fish they were rearing.

"We need to be doing everything we can to save our wild salmon and orcas," said Sophia Ressler, Washington wildlife advocate and staff attorney with the Center for Biological Diversity and co-counsel on the case. "Fish feedlots simply don't belong in wild salmon waters. These net pens undermine the crucial work that has gone into restoring native fish runs."

“Washington officials have turned their back on Puget Sound, its wildlife, and the communities living and working nearby,” said Hallie Templeton, senior oceans campaigner at Friends of the Earth. “It seems clear from recent history that Cooke does not abide by environmental conservation and protection standards in the state. Extending this corporation’s fish farming tenure without regard for the laundry list of environmental and socio-economic harms is both unlawful and irresponsible.”

During a public comment period last fall, thousands of Washington citizens and organizations filed comments with the state agency, overwhelmingly calling for the proposal to be stopped and urging the state to draft a new Environmental Impact Statement on open-water aquaculture net pens. Instead, WDFW issued the permit in reliance on an analysis from 1990, before Puget Sound steelhead, killer whales, and salmon species were listed as threatened and endangered. The calls for deeper scrutiny came from environmental advocates, commercial fishers and anglers, legislators, other state agencies, and at least five tribal governments from the lands and waters around Puget Sound.

“Washington state needs to stop giving away our public waters and wild species to private interests—factory fish farms do not belong in Puget Sound,” said Amy van Saun, senior attorney with Center for Food Safety’s Pacific Northwest office, and co-counsel in the case. “Washington officials are accountable not just to industry, but to the people of Washington, who want wild coasts and invaluable species protected from companies that do not respect our special places.”

Washington is the only state on the Pacific coast that permits these facilities. Canadian Prime Minister Justin Trudeau recently announced plans to transition all open-water industrial aquaculture in British Columbia to land-based facilities by 2025.

Wild Fish Conservancy is a conservation ecology organization dedicated to conservation, protection, and restoration of wild fish ecosystems in the Pacific Northwest. Headquartered in Duvall, WA, we work from California to Alaska.

The Center for Biological Diversity is a national, nonprofit conservation organization with more than 1.7 million members and online activists dedicated to the protection of endangered species and wild places.

Center for Food Safety's mission is to empower people, support farmers, and protect the earth from the harmful impacts of industrial agriculture, including aquaculture. Through groundbreaking legal, scientific, and grassroots action, we protect and promote your right to safe food and a healthy resilient environment.

Friends of the Earth fights to create a more healthy and just world. Our current campaigns focus on promoting clean energy and solutions to climate change, ensuring the food we eat and products we use are safe and sustainable, and protecting marine ecosystems and the people who live and work near them.

The conservation and environmental groups bringing this challenge are represented by Kampmeier & Knutsen, PLLC and by attorneys at the Center for Food Safety and the Center for Biological Diversity.

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For more information: <http://wildfishconservancy.org>

The complaint is available at: <http://wildfishconservancy.org/2020.02.11.complaint.pdf>

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