

## **RESOLUTION NO. 2020-18**

**A RESOLUTION** of the City Council of Bainbridge Island, Washington, hereby declaring the City Council's support for the Wild Fish Conservancy's proposal to the Washington Department of Natural Resources to lease aquatic lands in Rich Passage currently leased for commercial marine net pen finfish aquaculture for the purposes of restoring these aquatic lands to their natural state and restoring full access of these aquatic lands for the public's full benefit, use, and enjoyment.

**WHEREAS**, since approximately 1988, 57 acres of aquatic land located within the jurisdiction of the City of Bainbridge Island, in Rich Passage near Fort Ward Park, have been occupied by commercial marine net pen fin fish aquaculture facilities, currently operated by Cooke Aquaculture Pacific, LLC, an international corporation; and

**WHEREAS**, the environmental impacts and risks of marine net pen fin fish aquaculture operations in Puget Sound waters are well-documented and include pollution of marine waters from the release of dangerous amounts of untreated waste (feces, urine, untreated feed containing antibiotics, pharmaceuticals, PCBs); escape of farmed salmon, which compete with native, threatened populations for life resources and risk genetic introgression; amplification and spread of potentially lethal viruses and diseases to wild salmon and other fish species; harmful algae blooms; pesticide induced die offs of shrimp and crabs; and whale, otter, and seal injuries or deaths caused by entanglement in net pens; and

**WHEREAS**, the current Bainbridge Island net pen operations have a history of permit violations and mismanagement, including a 1999 net pen facility collapse that released approximately 100,000 non-native salmon into Puget Sound; the 2012 outbreak of Infectious Haematopoietic Necrosis ("IHN") that spread to all three net pens near Bainbridge Island and occurred while juvenile salmon were out-migrating through Rich Passage; 2017 violations that resulted in fines imposed by the Washington Department of Ecology for unlawfully discharging polluting matter into state waters, pressure washing equipment, nets, and vehicles over the water and allowing wastewater to enter Puget Sound, changing boat engine oil over the water, failing to put safeguards in place to protect water quality, failing to correct water quality violations when directed; and a partial failure of the Orchard Rocks net pens in 2019; and

**WHEREAS**, it is the opinion of the City Council that the current Bainbridge Island net pen operations' impacts on the public waters of Bainbridge Island and the Puget Sound are inconsistent with State of Washington regulations and laws, including, for example, Chapter 332-30 of the Washington Administrative Code ("WAC") and RCW 79.105.030, which direct the Washington Department of Natural Resources to manage these lands for uses that provide a balance of public benefits for all citizens of the state by ensuring environmental protection, encouraging direct public use and access, and fostering water-dependent uses; and

**WHEREAS**, the current Bainbridge Island net pen operations create a dangerous obstacle and nuisance attraction for marine mammals, including the Southern Resident orca Whale population; and

**WHEREAS**, it is the opinion of the City Council that the current Bainbridge Island net pen operations are incompatible with the Orchard Rocks Conservation Area designation, authorized in 1998 by WAC 220-303-050, in which two of the three net pen structures are located, because of negative impacts to the reserve from release of fish waste and antibiotics into marine waters, amplification of parasites, viruses, and diseases to native fish; light, noise, and noxious air pollution; unnatural and false attraction of native fish that results in bycatch during net pen harvest operations and increased predation by farmed fish and attracted marine mammals; and from potential catastrophic farm fish releases. The area was designated a Conservation Area because of its unique geology and topography which hosts a rich variety of marine plant, animal, and bird species; and

**WHEREAS**, given advances in upland and indoor fin fish aquaculture facilities, net pen finfish aquaculture is no longer a water-dependent use under the terms of RCW 79.105.060; and

**WHEREAS**, the City supports local, sustainable food production and acknowledges that sustainable, well managed net pen operations can safely produce local affordable seafood into the future; and there is a place for farmed fish in the mosaic of sustainable local food choices in our community in the future; and

**WHEREAS**, this resolution and the City Council's support for the Wild Fish Conservancy's proposal to the Washington Department of Natural Resources does not preclude the City from supporting environmentally sound net pen operations that provide food directly to Bainbridge Island off its shores in the future; and

**WHEREAS**, the lease issued by the Washington Department of Natural Resources to Cooke Aquaculture Pacific, LLC, for the Bainbridge Island net pen operations expires in 2022; and

**WHEREAS**, Cooke Aquaculture Pacific, LLC, has applied for permits from the Washington Department of Ecology and the Washington Department of Fish and Wildlife to continue these operations, and will apply to the Washington Department of Natural Resources for a new lease to farm steelhead salmon in the existing net pen facilities in Rich Passage on Bainbridge Island; and

**WHEREAS**, the Wild Fish Conservancy has applied to the Washington Department of Natural Resources to lease the aquatic lands currently occupied by the Cooke Aquaculture net pens for the purpose of restoring the lands to their natural state and providing access to the public for their benefit, use, and enjoyment (named "Taking Back Our Sound restoration project"); and

**WHEREAS**, the stated mission of the Washington Department of Natural Resources is to manage, sustain, and protect the health and productivity of Washington's lands and waters to meet the needs of present and future generations; and

**WHEREAS**, the issuance of a lease for these aquatic lands to the Wild Fish Conservancy for restoration, conservation, and public enjoyment is consistent with the above-stated mission of the Washington Department of Natural Resources and the City of Bainbridge Island Shoreline Master Program.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND DOES RESOLVE AS FOLLOWS:**

**Section 1.** The City Council declares its support for the draft Joint Aquatic Resource Permit Application (“JARPA”) submitted by the Wild Fish Conservancy to the Washington Department of Natural Resources on July 15, 2020, to lease the Rich Passage aquatic lands described in the Wild Fish Conservancy’s draft application for the purposes of restoration, conservation, and public enjoyment.

**Section 2.** The City Council urges Hilary Franz, Washington State Commissioner of Public Lands, to deny the issuance of a lease of the Rich Passage aquatic lands to Cooke Aquaculture, and instead issue a lease of these lands to the Wild Fish Conservancy for the above-stated purposes.

**Section 3.** The City Council encourages its citizens to sign the Wild Fish Conservancy’s “Taking Back Our Sound” petition which urges Hilary Franz not to extend, renew, or reissue leases for commercial open water net pen aquaculture in Puget Sound; and instead, urges her to lease these same waters for the Taking Back Our Sound restoration project that will restore these polluted and industrialized waters to their natural state for the conservation of Puget Sound’s ecosystem, and for the use, benefit, and enjoyment of present and future generations.

PASSED by the City Council this 27<sup>th</sup> day of October, 2020.

APPROVED by the Mayor this 27<sup>th</sup> day of October, 2020.



Leslie Schneider, Mayor

ATTEST/AUTHENTICATE:



Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:	October 9, 2020
PASSED BY THE CITY COUNCIL:	October 27, 2020
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