



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

November 28, 2017

Ordinance 18617

Proposed No. 2017-0497.2

**Sponsors McDermott, Dembowski and Kohl-
Welles**

1 AN ORDINANCE declaring an six-month moratorium
2 under RCW 90.58.590 on the establishment of commercial
3 nonnative salmon net pen aquaculture facilities; directing
4 the executive to develop a detailed work plan for
5 remedying the issues and circumstances necessitating the
6 moratorium; and declaring an emergency.

7 **SECTION 1. Findings:**

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

10 B. The Shoreline Management Act of 1971, chapter 90.58 RCW, requires
11 King County to review its Shoreline Master Program every eight years. The act
12 requires King County to complete its next review and make any necessary
13 revisions to its Shoreline Master Program on or before June 30, 2019.

14 C. The purpose of the review under the Shoreline Management Act is: to
15 assure that the county's Shoreline Master Program complies with applicable law
16 and guidelines in effect at the time of the review; and to assure consistency of the
17 Shoreline Master Program with the King County Comprehensive Plan, county
18 development regulations, and other local requirements.

19 D. Reviewing and making necessary revisions to the county's Shoreline

20 Master Program is an extensive process, and the Washington state Department of
21 Ecology offers counties seventy-five thousand dollars in grant funding to help
22 cover the costs.

23 E. In a letter dated August 30, 2017, the Washington state Department of
24 Ecology recommended steps for King County to begin preparing for the periodic
25 review. The letter also encouraged King County to combine any amendments to
26 the Shoreline Master Program with the periodic review in order to address
27 shoreline issues more efficiently.

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

32 G. King County is commencing the process of reviewing its Shoreline
33 Master Program as required by the Shoreline Management Act.

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

39 I. Net pen aquaculture is the practice of raising fish in an underwater net
40 that serves as a pen. Two main types of net pen aquaculture exist in Washington:
41 commercial pens containing Atlantic salmon raised for market; and enhancement
42 pens raising native salmon for release into the wild and eventual tribal,

43 recreational, and commercial catch. Atlantic salmon is a nonnative salmon
44 species in Washington.

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

46 K. Commercial net pen aquaculture for raising nonnative species poses
47 potential risks to native salmon and the region's work to restore native salmon
48 runs in Puget Sound. Both the Washington state Department of Ecology and King
49 County have a policy and regulatory role in net pen aquaculture to manage this
50 shoreline use and ensure that commercial net pens for nonnative species do not
51 put Pacific salmon recovery at risk.

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

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

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

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

64 P. In August 2017, a commercial net pen at Cooke Aquaculture's Cypress
65 Island fish farm failed and released thousands of farmed Atlantic salmon into the

66 Salish Sea between Anacortes and the San Juan islands. About one hundred
67 thousand of the Atlantic salmon escaped and infiltrated waters all over Puget
68 Sound and beyond. The failure has been called one of the worst fish farm
69 disasters in state history.

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

73 R. Strong currents may have contributed to the Cypress Island incident,
74 but there are many unknowns, and numerous investigations and inspections are
75 ongoing.

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

79 T. In light of the unknowns surrounding the Cypress Island failure, the
80 fragile state of native salmon runs in King County and Puget Sound and the
81 evolving policy, technology and scientific landscape related to commercial net
82 pen aquaculture, King County must review aquaculture provisions in K.C. C.
83 chapter 21A.25 as part of the periodic review of the Shoreline Master Program.

84 U. A review of K.C. C. chapter 21A.25 is essential to address any
85 findings from the Cypress Island investigation, scientific and technological and
86 other developments since the last update, to consider current best practices for
87 commercial net pen aquaculture facilities and operations and competing uses for
88 King County's limited marine shorelines and to coordinate with the Washington

89 state Department of Ecology, which administers the Shoreline Management Act
90 and must approve amendments and updates to the county's Shoreline Master
91 Program and implementing regulations.

92 V. Incorporating the information from the review, the process should also
93 identify any appropriate amendments to ensure the protection of tribal treaty
94 rights and King County's investment in native salmon recovery, balancing the
95 needs of competing land uses for King County's limited shorelines, particularly
96 those involving nonnative species.

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

101 X. RCW 90.58.590 authorizes King County to adopt a moratorium to
102 implement the Shoreline Management Act.

103 Y. It is necessary that this ordinance go into effect immediately in order
104 to avoid the establishment of commercial nonnative net pen aquaculture facilities
105 along King County's limited marine shoreline in the interval before executive
106 signature.

107 SECTION 2. A. A six-month moratorium commencing upon the
108 effective date of this ordinance is hereby declared on the establishment of
109 commercial salmon net pen aquaculture facilities that contain salmon species not
110 indigenous to Puget Sound or the introduction of any salmon species not
111 indigenous to Puget Sound in any existing facility. All lawfully existing uses

112 (including indigenous salmon net pens), structures or other development as of the
113 effective date of this ordinance shall continue to be deemed lawful conforming
114 uses and may continue to be maintained, repaired and redeveloped, so long as the
115 use is not expanded, under the terms of the land use and shoreline rules and
116 regulations in place at the time of the moratorium.

117 B. For the purposes of this section, "expansion" includes, but is not
118 limited to, the introduction of any salmon species not native to Puget Sound in
119 any existing facility. This ordinance does not preclude the expansion of net pen
120 facilities with salmon species indigenous to Puget Sound.

121 SECTION 3. The King County council shall hold a hearing on the moratorium on
122 January 8, 2018.

123 SECTION 4. The King County department of permitting and environmental
124 review shall immediately notify the Washington state Department of Ecology of the
125 moratorium adopted by this ordinance along with the time, place and date of the public
126 hearing, consistent with RCW 90.58.590. The department of permitting and
127 environmental review shall develop, in coordination with the department of natural
128 resources and parks, a detailed work plan for remedying the issues and circumstances
129 necessitating the moratorium. The work plan shall be completed within sixty days of the
130 effective date of this ordinance and shall be transmitted to the council and made available
131 for public review. A paper copy and an electronic copy of the proposed work plan shall
132 be filed with the clerk of the council, who shall retain the paper copy and forward
133 electronic copies to all councilmembers.

134 SECTION 5. The King County council finds as a fact and declares that an

135 emergency exists and that this ordinance is necessary for the immediate preservation of
136 public peace, health or safety or for the support of county government and its existing
137 public institutions.
138

Ordinance 18617 was introduced on 11/27/2017 and passed as amended by the Metropolitan King County Council on 11/27/2017, 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



Attachments: None