



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

May 30, 2018

### Ordinance 18736

Proposed No. 2018-0190.2

Sponsors McDermott

1 AN ORDINANCE renewing and extending a moratorium  
2 under RCW 90.58.590 on the establishment of commercial  
3 nonnative salmon net pen aquaculture facilities; and  
4 declaring an emergency.

5 **SECTION 1. Findings:**

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

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

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

17 D. Reviewing and making necessary revisions to the county's shoreline master  
18 program is an extensive process, and the Washington state Department of Ecology offers  
19 counties seventy-five thousand dollars in grant funding to help cover the costs.

20 E. In a letter dated August 30, 2017, the Washington state Department of  
21 Ecology recommended steps for King County to begin preparing for the periodic review.  
22 The letter also encouraged King County to combine any amendments to the shoreline  
23 master program with the periodic review in order to address shoreline issues more  
24 efficiently.

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

28 G. King County is commencing the process of reviewing its shoreline master  
29 program as required by the Shoreline Management Act.

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

34 I. Net pen aquaculture is the practice of raising fish in an underwater net that  
35 serves as a pen. Two main types of net pen aquaculture exist in Washington:  
36 commercial pens containing Atlantic salmon raised for market; and enhancement pens  
37 raising native salmon for release into the wild and eventual tribal, recreational, and  
38 commercial catch. Atlantic salmon is a nonnative salmon species in Washington.

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

40 K. Commercial net pen aquaculture for raising nonnative species poses potential  
41 risks to native salmon and the region's work to restore native salmon runs in Puget  
42 Sound. Both the Washington state Department of Ecology and King County have a

43 policy and regulatory role in net pen aquaculture to manage this shoreline use and ensure  
44 that commercial net pens for nonnative species do not put Pacific salmon recovery at risk.

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

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

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

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

57 P. In August 2017, a commercial net pen at Cooke Aquaculture's Cypress Island  
58 fish farm failed and released thousands of farmed Atlantic salmon into the Salish Sea  
59 between Anacortes and the San Juan islands. About one hundred thousand of the  
60 Atlantic salmon escaped and infiltrated waters all over Puget Sound and beyond. The  
61 failure has been called one of the worst fish farm disasters in state history.

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

64 R. Following a multi-agency investigation, Washington state officials concluded  
65 that Cooke Aquaculture was responsible for the failure, including "significant violations

66 of Washington's water quality laws." The Washington state Department of Ecology fined  
67 Cooke Aquaculture for those violations, and the Commissioner of Public Lands  
68 concluded, "The collapse was not the result of natural causes" and that "Cooke's  
69 disregard caused this disaster and recklessly put our state's aquatic ecosystem at risk."  
70 The 2017 Cypress Island Atlantic Salmon Net Pen Failure: An Investigation and Review,  
71 conducted by the state of Washington and dated January 31, 2018, is hereby incorporated  
72 by this reference as part of the findings supporting the renewal of the moratorium.

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

76 T. In light of the results of the state investigation, the fragile state of native  
77 salmon runs in King County and Puget Sound and the evolving policy, technology and  
78 scientific landscape related to commercial net pen aquaculture, King County must review  
79 aquaculture provisions in K.C. C. chapter 21A.25 as part of the periodic review of the  
80 shoreline master program.

81 U. A review of K.C. C. chapter 21A.25 is essential to address the findings from  
82 the Cypress Island investigation, scientific and technological and other developments  
83 since the last update, to consider current best practices for commercial net pen  
84 aquaculture facilities and operations and competing uses for King County's limited  
85 marine shorelines and to coordinate with the Washington state Department of Ecology,  
86 which administers the Shoreline Management Act and must approve amendments and  
87 updates to the county's shoreline master program and implementing regulations.

88 V. Incorporating the information from the review, the process should also

89 identify any appropriate amendments to ensure the protection of tribal treaty rights and  
90 King County's investment in native salmon recovery, balancing the needs of competing  
91 land uses for King County's limited shorelines, particularly those involving nonnative  
92 species.

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

97 X. On November, 27, 2017, pursuant to RCW 90.58.590, the County council  
98 passed Ordinance 18617 as an emergency, declaring a six-month moratorium on the  
99 establishment of commercial salmon net pen aquaculture facilities that contain salmon  
100 species not indigenous to Puget Sound or the introduction of any salmon species not  
101 indigenous to Puget Sound in any existing facility.

102 Y. Following the adoption of the moratorium, the executive transmitted the  
103 required work plan for addressing and remedying the issues and circumstances  
104 necessitating the moratorium.

105 Z. The detailed work plan indicates that significant work is required to address  
106 the issues and that completing the work will take more than six months.

107 AA. The County council held a hearing on the moratorium and received  
108 extensive testimony in favor of the moratorium and ensuring protection of native salmon  
109 species.

110 BB. The county has completed the requirements for a renewal of the moratorium  
111 under RCW 90.58.590, including completing environmental review and holding the

112 required public hearing.

113           CC. It is necessary that this ordinance go into effect immediately in order to  
114 avoid the establishment of commercial nonnative net pen aquaculture facilities along  
115 King County's limited marine shoreline in the interval that otherwise would have  
116 occurred before the executive could sign this ordinance.

117           SECTION 2. A. The moratorium declared under Ordinance 18617 on the  
118 establishment of commercial salmon net pen aquaculture facilities that contain salmon  
119 species not indigenous to Puget Sound or the introduction of any salmon species not  
120 indigenous to Puget Sound in any existing facility is hereby renewed and extended for an  
121 additional six months. All lawfully existing uses, including indigenous salmon net pens,  
122 and all lawfully existing structures or other development as of the effective date of this  
123 ordinance shall continue to be deemed lawful conforming uses and may continue to be  
124 maintained, repaired and redeveloped, so long as the use is not expanded, under the terms  
125 of the land use and shoreline rules and regulations in place at the time of the moratorium.

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

130           SECTION 3. The King County council finds as a fact and declares that an  
131 emergency exists and that this ordinance is necessary for the immediate preservation of

132 public peace, health or safety or for the support of county government and its existing  
133 public institutions.  
134

Ordinance 18736 was introduced on 4/23/2018 and passed as amended by the Metropolitan King County Council on 5/29/2018, by the following vote:

Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn,  
Mr. McDermott, Mr. Dembowski, Mr. Uptegrove, 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