



**STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY**

**Southwest Region Office**  
PO Box 47775, Olympia, WA 98504-7775 • 360-407-6300

June 20, 2023

Kevin Bright  
Cooke Aquaculture Pacific, LLC  
PO Box 669  
Anacortes, WA 98221-0669

Re: Request for Inactive Permit Status for Seven Cooke Aquaculture Pacific Net Pen Facilities in Puget Sound (Clam Bay-WA0031526, Hope Island-WA0031593, Orchard Rocks-WA0031542, Fort Ward-WA0031534, Port Angeles/Ediz Hook-WA0040894, Deepwater Bay/Site 1-WA0031569, Deepwater Bay/Site 3-WA0031585)

Dear Kevin Bright:

The Department of Ecology (Ecology) received, via email, your signed (dated March 28 and 29, 2023) activity status requests for Cooke Aquaculture Pacific, LLC's seven net pen arrays in Puget Sound. Cooke has identified that there is no longer discharge at all seven locations and does not plan to discharge for at least 18 months, beginning March 2023. Ecology has evaluated and determined all seven sites can be placed in inactive status. Several actions identified below are still required via the permit requirements even while in inactive status. Please note under the permit renewal section, there is time sensitive information.

**Inactive Status Meaning**

Inactive status means there is no discharge and no industrial activities occurring at the sites that could create discharge. For net pen facilities without either fish present on site or feeding, there is no discharge that needs water column or sediment monitoring. Starting July 1, 2023, and while in inactive status, Cooke *does not* have to submit Monthly DMRs nor Annual Reports related to discharge, which includes feed and biomass data, dissolved oxygen monitoring, and critical summer and peak biomass sediment monitoring.

**SIZ Closure Monitoring & Reporting**

SIZ closure monitoring is different than discharge monitoring in that closure monitoring is for the purpose of documenting that the SIZ is in a baseline condition relative to a reference site or condition.

On May 18, 2023, Ecology received your draft closure monitoring sampling and analysis plan and are reviewing and commenting at this moment. Please continue to work with Ecology's staff to finalize the plan. If Cooke chooses to terminate any, or all seven of their net pen permits, Cooke will be relinquishing the SIZ that has been authorized under the respective NPDES permits. Under this scenario, SIZ closure monitoring and reporting will be required, as per permit requirements, even if the site is in inactive status.

### **Permit Renewal Application Due Dates**

***Please submit permit renewal applications for Deepwater Bay/Site 1 (WA0031569), Deepwater/Site 3 (WA0031585), and Port Angele/Ediz Hook (WA0040894) as soon as possible but no later than August 15, 2023.*** Net pen sites at Deepwater Bay/Site 1 (WA0031569), Deepwater/Site 3 (WA0031585), and Port Angele/Ediz Hook (WA0040894) are currently in permit extended status. While we received permit renewal applications in 2017, Ecology did not issue permits for these three sites and as a result the permits are currently administratively extended but are without authorization to rear native fish. Your permit renewal applications are overdue and are required for these permits to remain in extended status.

As for Clam Bay (WA0031526), Hope Island (WA0031593), Orchard Rocks (WA0031542), Fort Ward (WA0031534), the deadline you must reapply for permits is January 31, 2024, as specified in each current permit's submittal schedule.

Even in inactive status (i.e., no discharge), submitting renewal applications for each site is critical if you wish to continue to keep each permit effective and retain the ability to obtain a renewed permit. If permit renewal applications are not received by the above-mentioned deadlines, Ecology must consider terminating those facility's NPDES permit(s).

### **Returning to Active Status**

Leading up to requesting active status at any site, Ecology will require the submittal of the AKART Analysis Report and the Net Pen Structural Integrity Assessment Report. The Net Pen Structural Integrity Assessment Report must include any improvements identified in the approved AKART Analysis Report. Once Cooke determines the site can resume operations, Ecology requires a written request for the change to active status. For Ecology to consider your request to return to active status, Ecology requires the Net Pen Structural Integrity Assessment Report and AKART Analysis Report that are specified in Clam Bay (WA0031526), Hope Island (WA0031593), Orchard Rocks (WA0031542), Fort Ward (WA0031534) NPDES permits issued in August 2019 and modified in January 2021.

### **Permit Reissuance**

Your permit renewal applications, the AKART Analysis Report and Net Pen Structural Integrity Assessment Report, and the requests to return to active status will be reviewed in conjunction with any SEPA determination and aquatic land lease acquired. Once Ecology determines the net pen facility permit applications complete, we can begin to draft permits for Cooke's and the public's consideration.

Kevin Bright  
June 20, 2023  
Page 3

To summarize, attached is a table that reviews the current conditions of each net pen facility with columns indicating action items like permit application due dates. Also, enclosed are your signed requests certifying the inactive status requirements for each site. If you have any questions, please contact Laurie Niewolny at [laurie.niewolny@ecy.wa.gov](mailto:laurie.niewolny@ecy.wa.gov) or (360) 584-8852.

Sincerely,



Andrew Kolosseus  
Southwest Region Section Manager  
Water Quality Program

Enclosure

cc: Public File - Permit numbers: WA0031526, WA0031593, WA0031542, WA0031534,  
WA0040894, WA0031569, WA0031585  
Gayle Garbush, Ecology  
Josh Morman, Ecology  
Ligeia Heagy, Ecology  
Laurie Niewolny, Ecology  
Michael Szemerda, Cooke Aquaculture Pacific, LLC  
Rodney Gould, Cooke Aquaculture Pacific, LLC

The following list indicates the current information on each of the net pen facilities and their status not including the above-mentioned request.

Facility Name	NPDES permit no.	Site condition	Last Harvest/Fallow Date	Last Sediment Survey	Present Permit Status	Permit renewal application due date
Clam Bay	WA0031526	No fish and no floating infrastructure (i.e., no nets, walkways, or barges)	Final fish harvested March 2023 and has been fallow since.	January 2023	Issued August 10, 2019, and January 2021 modification for steelhead. Expires August 9, 2024	January 31, 2024
Hope Island	WA0031593		Final fish harvested January 2023 and has been fallow since.	September 2022		
Orchard Rocks	WA0031542		Final fish harvested August 2020 and has been fallow since.	September 2022		
Fort Ward	WA0031534		Final fish harvested April 2018 and has been fallow since.	September 2022		
Port Angeles/Ediz Hook	WA0040894		Final fish harvested May 2019 and has been fallow since.	July 2019	Administratively extended. Renewal applications submitted in 2017. Ecology did not issue new permits resulting from lease terminations. Permit renewal applications due 2022.	ASAP, no later than August 15, 2023
Deepwater Bay/Site 1	WA0031569		Final fish harvested January 2018 and has been fallow since.	July 2015		
Deepwater Bay/Site 3	WA0031585					