



HILARY S. FRANZ
COMMISSIONER OF PUBLIC LANDS

TIMELINE

August 2017 – A net pen owned by Cooke Aquaculture near Cypress Island in Skagit Co. failed and released Atlantic salmon into surrounding waters.

March 2018 – Gov. Inslee signs HB 2957 resulting in RCW 79.105.170 which phased out Atlantic salmon net pens by 2022 and prohibited new commercial commercial aquaculture operations from raising non-native fish in state waters.

April 2022 – Multi-agency guidance released for Commercial Marine Finfish Net Pen Aquaculture in Puget Sound & Strait of Juan de Fuca.

November 2022 – Commissioner of Public Lands, Hilary Franz, issues Commissioner's Order 202211 directing DNR staff to begin rulemaking for commercial finfish net pen aquaculture on State-Owned Aquatic Lands.

April 2023 – CR 101 filed.

October 2024 – CR 102 filed and SEPA process started.

CONTACT

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<https://www.dnr.wa.gov/NetPenRulemaking>

Commercial Finfish Net Pen Aquaculture in Washington State

History

The history of commercial finfish net pen aquaculture (CFNPA) in Puget Sound dates back to the 1960s. Since then, native and non-native fish species have been grown for human consumption in suspended pens. Unfortunately, in 2017, a catastrophic structural failure of a commercial net pen near Cypress Island occurred, allowing 250,000 non-native Atlantic Salmon to escape into Puget Sound. This event prompted widespread public concern about the industry and the potential risks that commercial finfish operations may have.

Today

Washington State Agencies have since looked closely at state guidance for net pen aquaculture. Washington State House Bill 2957 was passed in 2018 to prohibit aquaculture operations from raising non-native salmon in the Puget Sound. Further, under a commissioner of public lands order issued in 2022, DNR leadership and all staff were directed to initiate rulemaking regarding commercial finfish net pen aquaculture ([em_commissioners_order_net_pens.pdf \(wa.gov\)](https://www.dnr.wa.gov/publications/em_commissioners_order_net_pens.pdf)).

Rulemaking

In April of 2023, DNR submitted a CR-101 (https://www.dnr.wa.gov/publications/em_rule_netpen_cr101.pdf) to begin the rulemaking process, considering amendments and additions to chapter 332-30 WAC regarding the use of state-owned aquatic lands for CFNPA.

DNR held an informational meeting with Tribal Governments in March 2024 and then provided two virtual open-house opportunities in June and July with Tribal leadership and staff to discuss a list of scientific references from a draft science synthesis prepared by DNR's science staff.

In October 2024, the CR-102 will be published in the Washington State Register (WSR) and a SEPA environmental checklist, and the determination of nonsignificance will be distributed to the public, Tribal, federal, state, and local governments.

Proposed Rulemaking Language

The proposed language submitted in the CR-102 adds a new definition in WAC 332-30-106 to define commercial finfish net pen aquaculture. This definition clarifies that net pens are used to cultivate, feed, and raise finfish to



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a marketable size for harvesting and selling the same as a crop and that the rule language does not apply to operations that raise finfish for eventual open-water release.

Further, the language adds a new section to WAC 332-30 to prevent commercial finfish net pen aquaculture operations from being authorized on state-owned aquatic lands.

Next Steps

On November 5th DNR staff will brief the Board of Natural Resources (BNR) about the rulemaking. Then, on November 7th, DNR will host a Public Hearing at the Natural Resources Building. Following this hearing, staff will analyze comments and develop responses, then make any necessary adjustments to the rule language. The final rule and all associated documents will be presented to the BNR on December 3rd. If approved, DNR will file the CR-103 along with the final rule language which will be implemented 14 days after filing.

Our mission: Manage, sustain, and protect the health and productivity of Washington's State-owned aquatic lands to meet the needs of present and future generations.