



# Commercial Finfish Net Pen Aquaculture Rulemaking

Board Briefing  
November 5, 2024



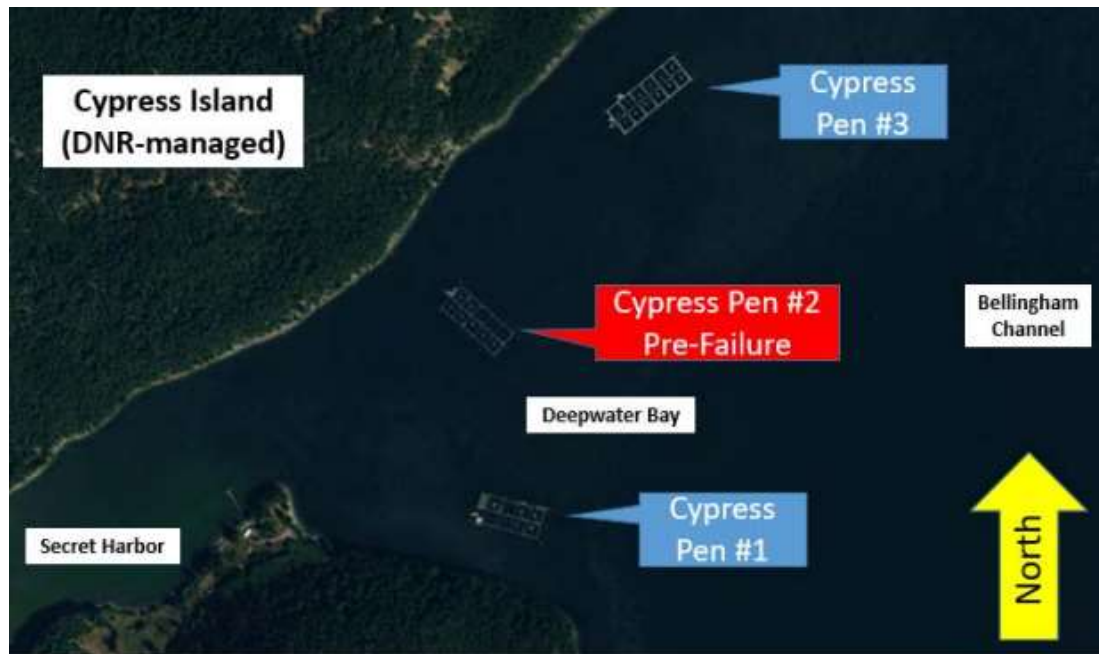
DNR drone image of collapsed Cypress Island net pen #2 in Deepwater Bay, August 28, 2017.



WASHINGTON STATE DEPARTMENT OF  
**NATURAL RESOURCES**

[dnr.wa.gov](http://dnr.wa.gov)

# Background



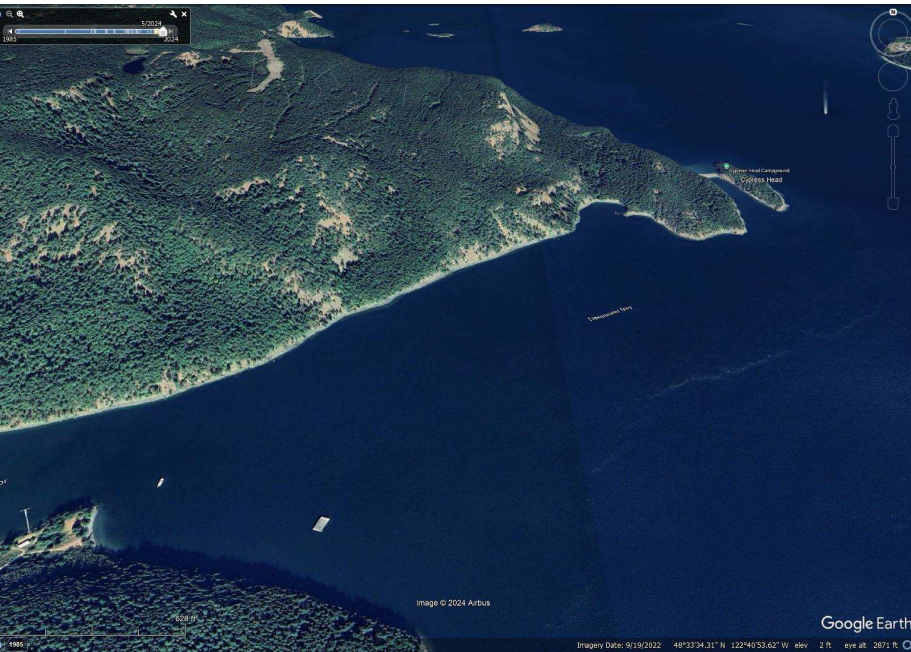
Aerial photo of Cypress Island net pens, showing net pen #2 in relation to other net pens.

- In 2017, ~250,000 non-native Atlantic Salmon escaped into Puget Sound near Cypress Island when a commercial finfish net pen collapsed.
- In 2018, Washington State House Bill 2957 passed to prohibit aquaculture operations from raising non-native salmon in Puget Sound.
- In 2022, Commissioner of Public Lands Hilary Franz directed leadership and staff to initiate rulemaking on commercial finfish net pen aquaculture (CFNPA).



## Completed Actions

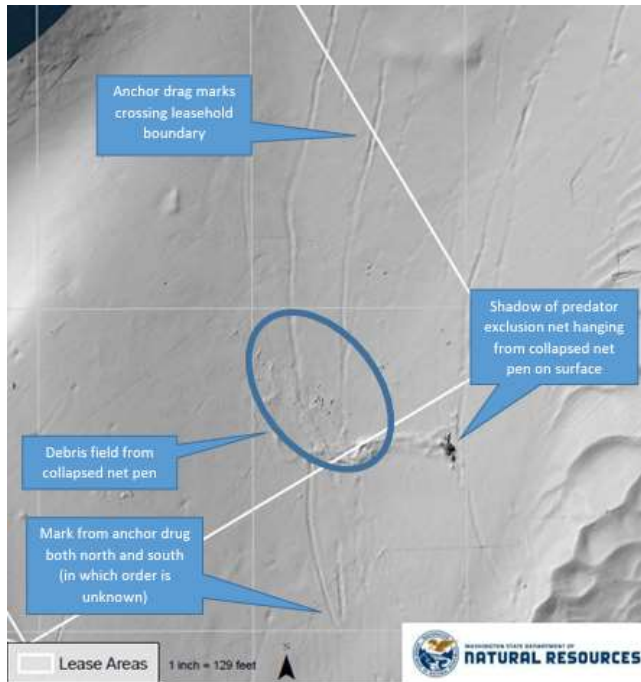
- There are currently no CFNPA facilities operating on state-owned aquatic lands.
- CR-101 published in the Washington State Register (WSR) April 17, 2023
- Tribal Outreach
  - Tribal Informational Meeting – March 20, 2024 (Virtual/In-Person)
  - Tribal Open House - June 28, 2024 (Virtual)
  - Tribal Open House - July 19, 2024 (Virtual)



Aerial image Cypress Island and Deepwater Bay in 2022, showing the area without net pens.



## Completed Actions

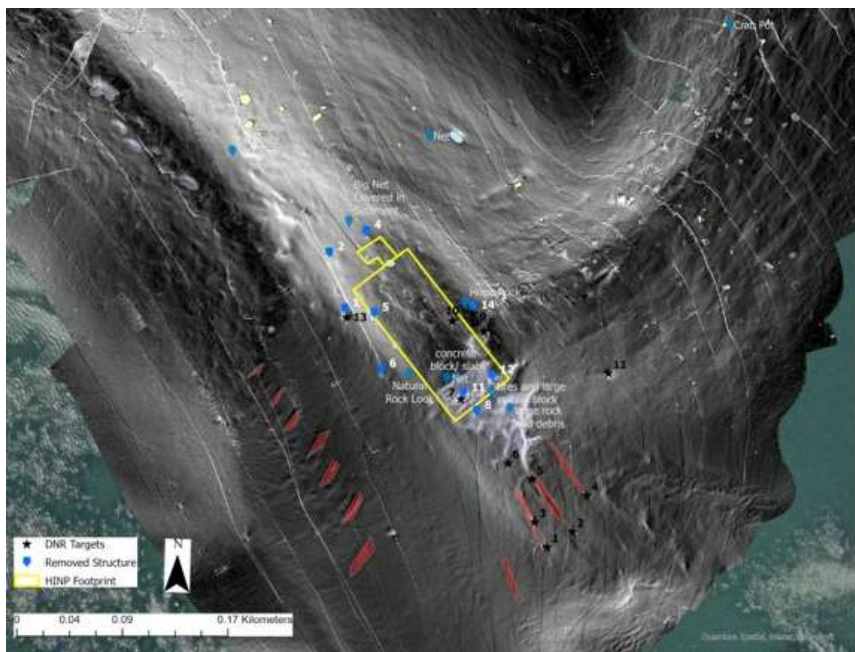


Bathymetric results from the DNR sonar surveys, completed on September 7, 2017, depict anchor drag marks.

- **Science Synthesis:** *Effects of Commercial Finfish Net Pen Aquaculture on Habitats on Washington SOAL.*
  - This living document is being updated as more information is provided.
  - These findings have informed the proposed rule language.
- Reviews potential stressors to the habitat DNR is specifically charged with conserving for future generations
  - Effluent and nutrient deposition
    - Impacts on the benthic community
  - Marine debris
  - Direct disturbance impacts



# Research and Restoration



Former Hope Island leasehold viewed with multibeam sonar in 2024.

- DNR has been conducting surveys at previous leasehold sites to further understand impacts.
  - Multibeam surveys
  - ROV surveys
  - Dive surveys



Debris recovered from Hope Island and Rich Passage leaseholds (Cooke Aquaculture 2023 Report).



## Completed Actions




Debris recovered from Hope Island and Rich Passage leaseholds (Cooke Aquaculture 2023 Report).

- CR-102 was published in the Washington State Register on October 16, 2024.
- SEPA Environmental Checklist and Determination of Nonsignificance were sent to stakeholders on October 16, 2024.



# Proposed Rule Language

 <p><b>PROPOSED RULE MAKING</b></p> <p><b>CR-102 (June 2024)</b> (Implements RCW 34.05.320) Do NOT use for expedited rule making</p>	<p><b>CODE REVISER USE ONLY</b></p> <p>OFFICE OF THE CODE REVISER STATE OF WASHINGTON FILED</p> <p>DATE: October 02, 2024 TIME: 11:07 AM WSR 24-20-146</p>							
	<p>Agency: Department of Natural Resources</p> <p><input checked="" type="checkbox"/> Original Notice <input type="checkbox"/> Supplemental Notice to WSR _____ <input type="checkbox"/> Continuance of WSR _____</p> <p><input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 23-09-046 ; or <input type="checkbox"/> Expedited Rule Making-Proposed notice was filed as WSR _____; or <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or <input type="checkbox"/> Proposal is exempt under RCW _____.</p> <p>Title of rule and other identifying information: (describe subject) 332-30-106- Definitions; 332-30-138 Commercial finfish net pen aquaculture</p> <p>Hearing location(s):</p> <table border="1"> <thead> <tr> <th>Date:</th> <th>Time:</th> <th>Location: (be specific)</th> <th>Comment:</th> </tr> </thead> <tbody> <tr> <td>November 7, 2024</td> <td>5:00 PM – 7:00 PM</td> <td>Natural Resources Building Room 172 1111 Washington St SE Olympia, WA 98504</td> <td></td> </tr> </tbody> </table> <p>Date of intended adoption: 12/3/2024 (Note: This is NOT the effective date)</p>	Date:	Time:	Location: (be specific)	Comment:	November 7, 2024	5:00 PM – 7:00 PM	Natural Resources Building Room 172 1111 Washington St SE Olympia, WA 98504
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In WAC 332-30-106 Definitions, add a new definition to define commercial finfish net pen aquaculture and renumber the remaining definitions accordingly.

- *“Commercial finfish net pen aquaculture” means a system of nets, cages, or other containment systems in open water used to cultivate, feed, and raise “finfish” (as defined in WAC 220-370-050(3)) to marketable size for the purpose of harvesting and selling the same as a crop. Commercial finfish net pen aquaculture does not include operations and containment systems used to raise finfish for open-water release or used to raise finfish solely for tribal ceremonial and subsistence uses.*

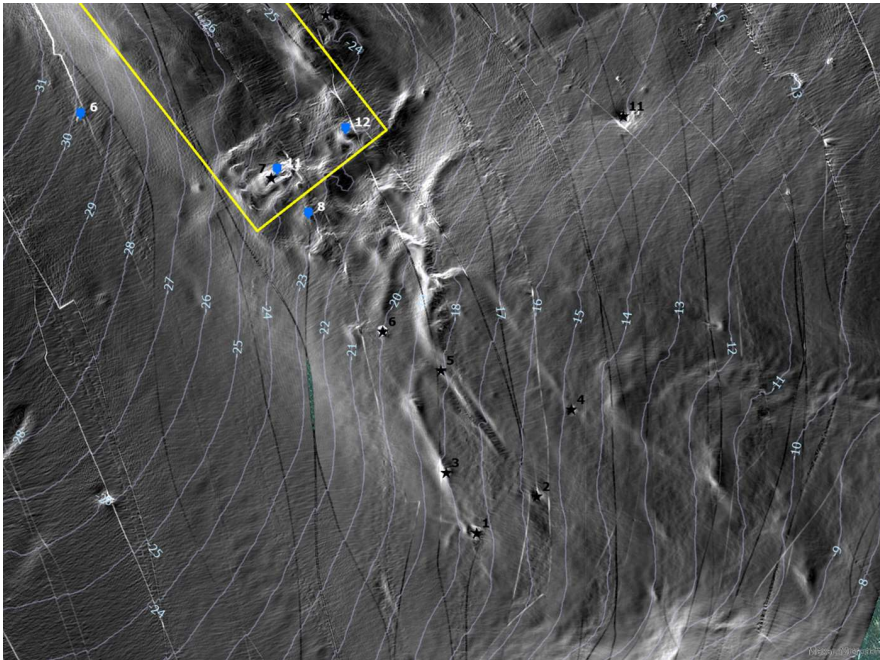
In WAC 332-30 add a new section.

- *Commercial finfish net pen aquaculture shall not be authorized on state-owned aquatic lands.*





## Next Steps



2024 DNR multibeam imagery of former Hope Island net pen lease site.

- Public Hearing Scheduled for November 7, 2024, from 5 PM – 7 PM. Public comment period also ends on November 7.
- Following the Public Hearing, DNR will analyze and develop responses to comments received. We will also make any adjustments to and finalize the rule language, the SBEIS, CBA, and SEPA documentation before the December 3, 2024 BNR meeting.
- All the finalized documentation will be presented to the BNR at its meeting on December 3, 2024, for approval of the rule.
- If approved by the BNR, DNR will file the CR-103 along with the final rule language and implement the rule 14 days after filing.



# Comment Submissions



Public Comment Form

1 Comment 2 Review 3 Your Copy

## Commercial Finfish Net Pen Aquaculture Rulemaking

The Washington State Department of Natural Resources (DNR) manages 2.6 million acres of state-owned aquatic lands—including the bedlands under Puget Sound and the coast, many beaches, and navigable lakes and rivers. DNR manages these aquatic lands as a public trust for the people of the state. As steward of these public lands, DNR works to protect the environment, provide opportunities for recreation, support water-dependent uses, promote sustainable use of natural resources, and protect public navigational and fishing access from obstructions.

DNR is exploring options to modify [WAC 332.30](#) to better achieve the department's management guidelines with respect to commercial finfish net pen aquaculture and invites public comment as to how this may be best accomplished.

### Contact Information

\*Indicates Required Fields

Submitted By \*

Please Select

First Name \*

Enter First Name

Last Name \*

Enter Last Name

Address (Required)

Enter Address

City (Required)

Enter City or Town

State

Washington

ZIP (Required)

Enter Zip Code

Email (Required)

Enter Email Address

Your Comment

- **To submit comments, please visit:**  
<https://wadnr.commentinput.com?id=HdVJB8bZ5>
- **You may also leave comments by sending an email to [netpens@dnr.wa.gov](mailto:netpens@dnr.wa.gov) or by mail to:**  
DNR, Aquatic Resources Division  
Attn: Noel Sharp  
1111 Washington St SE; MS: 47027  
Olympia, WA 98504
- **Public Hearing, Thursday, November 7, 2024, 5 – 7PM**
  - **Room 172 in the Natural Resources Building**  
1111 Washington St SE  
Olympia, WA 98504
- **For more resources (including the above information):**  
[www.dnr.wa.gov/netpenrulemaking](http://www.dnr.wa.gov/netpenrulemaking)



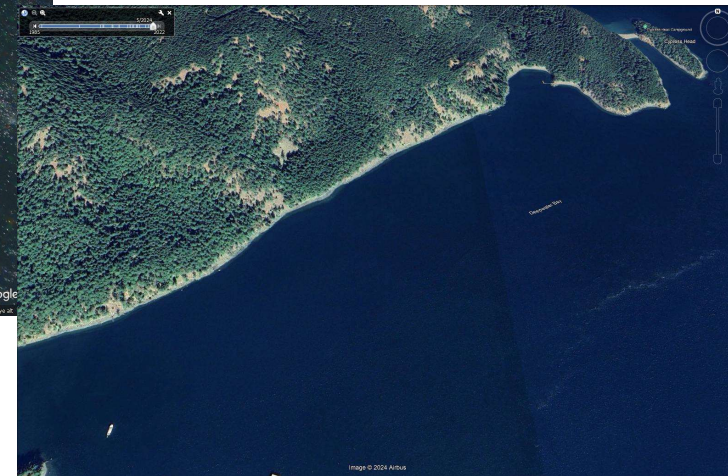
# QUESTIONS?



July 2017



August 2017



September 2022



