



2019 Shoreline Master Program Periodic Update

Amendments to Chapter 6 of the 2016 King County Comprehensive Plan

As allowed by K.C.C. 20.18.030.A.5

March 17, 2019

Make the following changes to Chapter 6 of the 2016 King County Comprehensive Plan, as amended.

On page 6-60, amend the text as follows:

a. General Aquaculture

Aquaculture is the culture or farming of food fish, shellfish, or other aquatic plants and animals. Aquaculture does not include the harvest of wild geoduck associated with the state managed wildstock geoduck fishery. Aquaculture is dependent on the use of the water area and, when consistent with goals for aesthetics, public access, control of pollution and prevention of damage to the environment, ~~((is a preferred use of the water area. Aquaculture is a growing industry of statewide significance. Aquaculture))~~ should be ~~((accommodated))~~ allowed so long as it does not result in a net loss of shoreline ecological processes and functions. The visual and aesthetic impacts of aquaculture should not overwhelm adjacent land uses.

On page 6-62, amend policies S-716 and S-717 as follows:

S-716 Aquaculture is a water-dependent use and ~~((is a preferred))~~ should be an allowed use of the shoreline when consistent with control of pollution and avoidance of adverse impacts to the environment and preservation of habitat for native species, (Washington Administrative Code 173-26-241(3)(b)).

S-716a King County shall prohibit nonnative marine finfish aquaculture.

S-717 Potential locations for aquaculture activities are relatively restricted because of specific requirements related to water quality, temperature, oxygen content, currents, adjacent land use, wind protection, commercial navigation, and salinity. The technology associated with some forms of aquaculture is still experimental and in formative states. Therefore, when implementing development regulations related to aquaculture, King County should provide flexibility in its development regulations governing the siting of aquaculture facilities, where appropriate. Those regulations shall require avoidance of adverse impacts to existing uses, to the maximum extent practical, and no net loss in shoreline ecological functions and processes. If King County determines that certain types aquaculture involve a significant risk of net loss in shoreline ecological functions or cumulative adverse effects on the

environment or native species and their habitats, the County may prohibit or condition such uses in its development regulations.

- S-718 Aquaculture activities shall be designed, located and operated in a manner that supports long-term beneficial use of the shoreline and protects and maintains shoreline ecological processes and functions. Aquaculture permits shall not be ~~((permitted)) approved~~ where it would result in net loss of shoreline ecological functions; net loss of habitat for native species including eelgrass, kelp, and other macroalgae; adverse impacts to other habitat conservation areas; or interference with navigation or other water-dependent uses.

On page 6-62, after policy S-727, insert the following:

- S-272a King County should ensure proper management of upland uses in the shoreline jurisdiction to avoid degradation of water quality of existing shellfish areas, including adoption of additional protections from impacts of geoduck aquaculture.

b. Net Pens

One specific type of aquaculture is a net pen, which is a type of large cage used to farm finfish in open water. These net pens allow for the exchange of water between the farm and the surrounding environment. In 2017, a large commercial net pen near Cypress Island collapsed and released hundreds of thousands of nonnative salmon into King County's shorelines of statewide significance.

Following this incident, King County reviewed its net pens regulations in 2018 for potential impacts on native species and found that commercial salmon net pen aquaculture operations generally have adverse environmental and ecological impacts that do not appear to meet the SMA standard of 'no net loss of ecological function.' These adverse impacts include increased disease transmission, increased water quality impacts, competition for food and habitat, predation on local native salmon, and genetic introgression.

King County's native salmon runs are among the Puget Sound region's most precious and irreplaceable natural resources. King County, area tribes, the state, the region and the federal government have collectively invested hundreds of millions of dollars over many years to help protect and restore native salmon species. The impacts of net pens to native salmon outlined above would threaten years of work and millions of dollars in investments.

The environmental and ecological risks associated with commercial salmon net pens may also apply to other finfish net pens, including net pens for noncommercial native salmon and commercial native finfish, but there is a lack of current information regarding these risks. The Department of Ecology's Shoreline Master Program Handbook lists only three references to

guide local jurisdictions in how to regulate net pens, all of which predate the Endangered Species Act listings of Southern Resident Puget Sound Orcas, Puget Sound Chinook salmon, and Puget Sound steelhead as threatened. The Department of Ecology acknowledges in the handbook that interim net pen guidelines from the 1980s are out of date and caution should be used if relying on them.

In response to the Cypress Island incident, the Washington State Legislature adopted Engrossed House Bill 2957 prohibiting new or expanded leases for nonnative marine finfish aquaculture. House Bill 2957 also directed state agencies to continue updating guidance and informational resources for planning and permitting marine net pen aquaculture. State agencies were further directed to seek advice and assistance from the Northwest Indian Fisheries Commission, national centers for coastal ocean science, and to invite consultation with universities and federally recognized Indian tribes. The applicable state agencies must report to the legislature in late 2019.

S-272b King County shall prohibit new commercial salmon net pen aquaculture operations to avoid adverse impacts on native salmon runs.

S-272c King County shall support tribal treaty fishing rights, including operation of noncommercial native salmon net pens for temporary rearing and brood stock recovery programs.

S-272d King County shall review and condition the siting of net pens to ensure they apply all necessary environmental and ecological protections and meet the standard of no adverse impacts and no net loss of ecological function.

S-272e King County shall revisit its policies and regulations associated with net pens, including the prohibition on commercial native salmon net pens, during the next statutory-required periodic review of this program. At that time, additional research and guidance from the state is expected to be available.

Upon final adoption, the council shall: incorporate the adopted changes into the 2016 King County Comprehensive Plan, as amended; correct any scrivener's errors; update the table of contents, cover page, and plan headers; and provide an electronic copy to the executive.