NORTHWEST RESOURCE LAW PLLC

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Via Email: Kyle.Murphy@dnr.wa.gov
Kessina.Lee@ecy.wa.gov
Amy.Windrope@dfw.wa.gov

Investigation and Review Panel
Kyle Murphy (Panel Coordinator)
Washington Department of Natural Resources
Kessina Lee
Washington Department of Ecology
Amy Windrope
Washington Department of Fish & Wildlife
1111 Washington St. SE
MS 47001
Olympia, WA 98504

Re: Draft of Incident Review Board Report

Dear Kyle, Kessina, and Amy:

We are responding on behalf of Cooke Aquaculture Pacific LLC ("Cooke") to your correspondence dated Friday, January 26, 2018, which transmitted a draft of the "2017 Cypress Island Atlantic Salmon Net Pen Failure: An Investigation and Review" report on behalf of the Investigation and Review Panel ("IRP"). The IRP provided Cooke with this draft report, consisting of 266 pages including appendices and technical assessments, at 9:00 a.m. on Friday, January 26, 2018, and directed Cooke to respond and provide corrections to the factual findings in this draft report by 9:00 a.m. on Monday, January 29, 2018. Given the scope and detail of the draft report, it is not possible for Cooke to comprehensively review and evaluate the accuracy of all factual representations the report sets forth. Nonetheless, Cooke has reviewed the report and will be providing corrections to the extent allowed by this deadline. To the extent this is an arbitrary deadline, Cooke requests additional time to respond. To the extent the deadline is required by law or other legal considerations, Cooke seeks an explanation from the IRP of those constraints.

As a preliminary matter, Cooke acknowledges that the IRP and participating state agencies expended significant time, effort, and energy investigating the August 2017 Cypress Island net pen failure.

Similarly, Cooke expended significant time, effort and energy responding to requests for information received from IRP participants and in each instance sought to provide accurate and complete information.

While Cooke acknowledges the IRP's request not to argue or dispute the analysis and conclusions set forth in this report, we will, when appropriate, highlight the need to alter the report's analyses, conclusions and findings resulting from identified factual inaccuracies or omissions. As the IRP notes in the introduction to the report, the IRP is interested in "maximizing confidence in the facts, ensuring completeness, and being fair." Cooke shares that sentiment. As such, on the point of completeness, Cooke will also endeavor to outline areas where there are factual omissions that are important to the IRP's analysis.

Finally, Cooke remains ready to engage in a continued fulsome dialogue with the IRP regarding the Cypress Island incident. Cooke has, from the beginning of the Unified Incident Command ("UIC") process, endeavored to be transparent. That effort is reflected in the embedding of Cooke's representative in the UIC for the weeks following the collapse to facilitate information exchange and coordinate the emergency response process with Cooke and its contractors. That effort continued through participation in the IRP's weekly calls until the IRP advised Cooke's representative that the company's future involvement in the IRP process would be by invitation only and then only to respond to questions asked by the IRP. At that point, it became apparent that the IRP was no longer seeking meaningful input from Cooke on the incident.

Despite being excluded from meaningful participation in the IRP process, Cooke continued to cooperate, including producing employees for interviews, providing access to salvaged equipment, providing thousands of pages of documents in response to multiple information requests, and often on extremely tight timelines. Cooke hopes that this letter also reflects its commitment to participating in the IRP process, particularly because Cooke is providing as thorough a response as is possible on the extremely short timeline it was given. That being said, because of that short timeline, the factual inaccuracies identified by Cooke today and described in this response are the result of a very quick and preliminary review of the draft report. Accordingly, Cooke's identification of factual inaccuracies is likely incomplete, and we will seek to supplement this response at a later date.

Although the IRP's deadline to respond makes it impossible to provide a line-by-line correction to this report, Cooke has identified two topics within the report which rely upon significant factual inaccuracies and therefore require correction: (1) the issue related to net biofouling, and; (2) the issue related to the recovered fish accounting. Much of the rest of the report is based on snippets of records that Cooke provided to the IRP in the interest of transparency, but which result in conclusions made by the IRP that have not been verified through any dialogue with Cooke and which Cooke has not had

the time to fully review and evaluate. Accordingly, although Cooke also highlights below inaccuracies in the remainder of the report, it is constrained by the limited time allowed to respond completely.

A. The biofouling issue

The draft report affirmatively misrepresents significant factual information regarding net hygiene at Site 2 prior to the failure of that facility on August 19. These factual inaccuracies and/or misrepresentations result in erroneous conclusions as to the role played by net hygiene in the August incident. Cooke has identified three principal errors in the report related to the biofouling issue: (1) the IRP's contention that Cooke did not document the net washing that did occur between the July mooring failure and the August failure, or that the washing that did occur was ineffectual; (2) the IRP's findings concerning the extent of biofouling on the nets, which are contradicted by the photographic evidence incorporated into the report; and (3) the IRP's failure to account for the additional accumulation of growth on the nets between August 19, the last day the nets could have been washed, and when they were finally removed beginning on August 31, which leads to the erroneous conclusion that the nets depicted in photographs on August 31 reflect net conditions on August 19.

First, although Cooke concedes that a slowdown in net cleaning occurred prior to the July incident because of mechanical issues related to the net cleaning equipment, documents and information provided to the Washington Department of Ecology demonstrate that following the July 2017 mooring failure Cooke personnel affirmatively resumed net washing at Site 2 and in fact implemented enhanced net washing at that site, including the use of net washing equipment from other sites. *See* CAP_DOE_002043 (email from Sky Guthrie dated July 31, 2017 noting that "all nets have been washed" at that point); CAP_DOE_002987 (further update on net washing progress); CAP_DOE_0003001 (August 4, 2017 email confirming 100% of stock nets at Site 2 have been washed); CAP_DOE_00046457 (Cypress manager update from August 9, 2017, noting that "Site 2 and 1 walls are washed, moving to site 3, and continuing to address floors, and also noting that "MPI and Idema running, Stingray has been problematic, welds on the wash heads continue to break-new wheels arrived Monday, August 7"); CAP_DOE_0004813 (manager report for the week of 7/30/17 to 8/5/17 noting "Net washing continues on all 3 sites daily. Both MPI's, 1 Stingray, 1 Idema and pressure washer running well"); IRP Report at 51 n.112 (Notes of Second Interview of Bill Clark). This enhanced net washing activity was done to prevent a reoccurrence of the July incident to the extent that a lack of net hygiene may have been a contributing cause to that incident. Thus, the IRP's conclusion that "no documentation was provided by Cooke regarding the degree of cleaning accomplished by net washing" between July and August, at page 51 of the draft report, is both inaccurate and inconsistent with the documents and information Cooke provided to the IRP and requires correction.

Second, the IRP's findings regarding the extent of net fouling at the time of the August 19 incident, based on the condition of the nets when they were removed from Puget Sound two weeks later (or more), are incorrect. Significantly, Figure 30 of the draft report provides visual evidence that when lifted on August 29 for fish extraction purposes, the nets had transparent walls, with mussel growth on the bottom. To orient the IRP, that picture shows three parts of the sidewall: the top of the net, the "chafe guard," and the sidewall. First, the top part of the net, in the left in the picture, approximately one meter wide, is completely clean because that is the part of the net that was out of the water. Second, the next section of net, about one meter wide, is a doubled over section that acts as a "chafe guard" in the shallow portion of the net that prevents the net chafing against the structure—during normal operations, the "chafe guard" is partially above and partially in the water. That doubled-over section is also the area of the greatest mussel growth on the sidewall because the net washers are less effective on the doubled over section of net. But, that chafe guard extends only a few feet into the water column and does not contribute, much, if anything, to "drag." Third, moving further to the right in the picture, is the sidewall, which is relatively growth free in this picture, and certainly not heavily fouled as described in the report.[1] In addition, Figure 29 shows a sidewall to the right of the picture, likely the same net as in Figure 30. This sidewall is also not heavily fouled. Thus, the very photographs included by the IRP in the report demonstrate that on August 29, at least one net was not excessively fouled and thus, raise questions concerning the soundness of the IRP's conclusion that net-fouling was the probable cause of the August incident.

These questions prompted Cooke to undertake a preliminary, but time constrained, review of other photographs taken by DNR that are in Cooke's possession.[2] Those pictures show that the nets' sidewalls were generally clean, with more growth on the "chafe guards" of the stock and predator nets and mussel accumulation on the floors of the nets. The omission of these pictures is another factual inaccuracy that needs correction. And, perhaps more critically, the IRP never placed these pictures in front of Cooke employees for discussion, resulting in the IRP missing a key opportunity to gather facts about the Site 2 facility to incorporate into this report. Cooke remains willing to facilitate that discussion with IRP representatives, and is willing to do so as soon as possible.

Third and relatedly, even if the photographs could support the conclusion that the nets were fouled at the time they were removed from the water—an unlikely conclusion at least with respect to the photographs described above—the IRP never affirmatively acknowledges or addresses the fact that the nets were in the water for twelve days or more between the August 19 failure (the last date on which the nets could have been washed) and their salvage beginning on August 31. Indeed, the photograph depicted in Figure 16 on page 54 highlights the difficulty of extrapolating the extent of

[1] The brown substance on the net that appears to be fouling is a skeleton shrimp, discussed more fully below.
[2] Some of the pictures reviewed by Cooke are: IMG_1376 taken on August 23; IMG_0247 taken on the morning of August 24, IMG_0293 and IMG_0299 taken on the afternoon of August 24; IMG_1484, IMG_1485, IMG_1490 and IMG_1491 taken on August 26; IMG_0073, IMG_0079, IMG_0088, and IMG_0090 taken on August 29.

biofouling pre- and post-incident. That photograph, reportedly taken on August 31, unquestionably documents the net's condition on that date, nearly two weeks after the structural collapse. However, an examination of the photograph reveals that the fuzzy material on the net (underneath accumulated kelp), is mostly skeleton shrimp (Caprella) that quickly attaches itself to any new substrate.[3] *See* CAP_DOE_0005046 (discussion of decreasing level of Caprella and crab larvae at Cypress Island in September 2017, after the collapse of Site 2). Figure 30 also shows significant skeleton shrimp on the net. The IRP's factual findings and conclusions are based on net conditions observed two weeks after the incident, during which time the nets could not be washed and at a time of peak summer growth. Significantly, however, photographs of the nets two weeks after the collapse nonetheless show that the sides of the nets were relatively clean and thus raise genuine questions concerning the IRP's reporting and conclusions concerning the extent of biofouling at the time of the incident, *see* Figure 16,[4] being a causative factor in the structure's collapse.

The IRP's failure to account for two weeks or more of growth on the nets also likely biases high—and does so significantly—the weights of the nets as reported in the draft report. However, the weight of the net is not determinative of "drag." As acknowledged by DNR staff in Appendix 3, increased drag on the system occurs when water flow through vertical net walls becomes blocked by marine bio-fouling growth. Although the IRP is correct that mussels were present in the bottom of the nets when they were removed two weeks after the site collapse, such growth does not represent as significant a drag force on the system because of the horizontal, as opposed to vertical, orientation of that growth relative to the direction of water movement. To be clear, Cooke is not suggesting that the mussels on the bottom of the nets did not contribute a drag force, but the failure of the IRP to accurately document or distinguish the condition of the sidewalls of the nets in the draft report is a significant factual omission. IRP's own photographs demonstrate that the walls of the nets are relatively clean, and the documents provided by Cooke to the IRP, but not discussed in the draft Report[5], confirm that Cooke engaged in extensive cleaning of the Site 2 nets after the July incident and before the August 19 incident.

Finally, as IRP acknowledges, the health of the fish themselves is an important factor in maintaining net hygiene. As discussed below, on August 28, Cooke provided to Washington Department of Fish and Wildlife the mortality data for the fish from July 16 to August 18. For that time period, the total mortality in the pens at Site 2 were low, ranging from 0.37% to 0.65% in that thirty-five day period. Had there been significant net hygiene issues at the site, mortality would have been higher because of the potential for net billowing and folding, trapping and asphyxiating fish, and lower oxygen conditions. In addition, if skeleton shrimp were present on the nets in significant numbers, the

[3] DNR's own pictures of the dock at Curtis Wharf, taken on September 1, 2017, show these shrimp on that dock, having perished and fallen from the nets during offloading (WP_20170901_010, taken on September 1, 2017).
[4] To properly evaluate net hygiene, the net needs to be stretched. Assessing a net that is folded as in Figures16 and 17 ignores the important context of what the net looked like when in the water.
[5] See documents referenced in discussion of net cleaning after the July incident, above.

presence of those shrimp would have led to increased mortality because skeleton shrimp are able to damage the protective mucus layer of the fish. These facts are important in evaluating net hygiene but are completely missing from the draft report.

Regrettably, it appears that the IRP's rush to issue the report has been done at the expense of a complete and full evaluation of the evidence captured in the extensive photograph taken and collected by the UIC. The IRP had at its disposal this extensive photographic evidence, but the IRP appears to have overlooked many of those photographs in this report.[6] The IRP also failed to review these photographs with Cooke employees during the many interviews it conducted, and therefore the IRP is without the benefit of the comments of the individuals who best understand net pen operations and were present in response to the August incident.[7] Cooke believes that such a review would provide greater clarity on the biofouling issue and result in significantly different factual findings and related conclusions. Accordingly, Cooke requests that the facts in the draft report and the underlying analysis be revised to account for this information.

B. Accounting of recovered fish

The draft report also contains significant factual errors related to the counting of recovered fish. The report appears to be an effort to create an after-the-fact analysis of recovered fish in order to question the integrity of Cooke's real-time and independently observed counting and reporting of fish recovered from the structure. It is vitally important to put this new, after-the-fact analysis in context of the events of late August and early September:

- As noted above, Cooke gave members of the UIC full access to its salvage efforts, including fish recovery and counting. As reflected in the draft report, DNR employee Dennis Clark was onsite for much of the fish recovery efforts. Similarly, Rich Doenges from the Washington Department of Ecology was also onsite much of the time when those efforts were underway. Indeed, at the outset, a Cooke representative worked directly with the UIC to facilitate information exchange and develop agreed upon UIC protocols and procedures. One of the roles of the UIC was supervision of fish recovery efforts. The IRP acknowledges this at Page 77 of the draft report where it notes that one of the "significant" activities of the UIC was "[m]onitoring Cooke's fish recovery and extraction efforts." Cooke confirms that such monitoring regularly occurred.

[6] It is apparent from recent media coverage that DNR employees had arrived at the conclusion that mussels contributed to the collapse of Site 2 in early September, weeks after the collapse, despite not having the benefit of any review of materials, scientific support, or other expert analyses of the incident.
[7] In general, Cooke questions the reliance by IRP on general statements made by witnesses who did not have the benefit of photographs, emails or other contemporaneous documents.

- Cooke provided, as documented in the daily updates to the UIC that were then approved by the UIC and posted on DNR's website, real-time, daily, counts of fish being extracted from the pens.
- *However, at no time during the extraction process did any member of the UIC question the counting method utilized by Cooke employees, nor did any member of the UIC propose, recommend or require a different method of accounting for fish removed from the collapsed structure.* If any member of the UIC had done so, Cooke would have complied with that request, just like it had done so on many issues as the emergency response unfolded.

The above bulleted points are all *key facts* which the IRP has omitted from the draft report. Cooke believes that accurate conclusions related to fish escapement cannot be drawn from the limited factual information provided by the IRP and thus the report needs to be revised to reflect consideration of these additional facts.

The draft report's failure to identify or discuss other additional key facts undermine the report's fish recovery analysis. For instance, the preferred analysis in the draft report is based entirely on the factual assumption that fish recovery only happened with divers in the water guiding a suction pipe that collected the fish. That is not a factually accurate assumption, nor is that assumption supported by the materials cited by the IRP in the draft report. As observed by UIC members, during the recovery, Cooke would raise and "purse" a net and then could recover fish without a diver in the water. In some cases, a diver or surface workers could place the suction hose through a hole cut into the net wall, and then the net would be pursed. At such times, it was not safe for divers to be in the water inside of the nets as the nets were being lifted; thus, fish would be pumped and recovered without a diver in the water. Similarly, standard operating procedure provided that divers were *not* to be in the water during crane operations when the nets were being lifted. Figures 29 and 30 of the draft report illustrate the extraction activities. In Figure 29, there is no diver in the water, because the net is lifted, making diver operations unsafe. In Figure 30, the net is lifted and pursed, a hole is cut in the bottom of the net, and again no divers are in the water. In other words, IRP's own pictures show that fish recovery efforts occurred without divers in the water. Those efforts led to significant fish recovery that has gone unreported by IRP.

The operational duration of fish recovery is also not detailed in the report, nor accounted for in IRP's analysis of the quantity of fish recovered. Fish recovery was a critical priority for Cooke, and in some cases, went on until late in the evening, long after UIC members had left the site. Instead, the fish recovery rate calculations relied upon by the IRP are based on the false assumption that extraction

only occurred when divers where in the water.[8] Curiously, the draft report at Page 104 acknowledges that the IRP was unable to get an accurate count using the diver helmet camera video, but then inexplicably relies on diver helmet camera video in its fish extraction calculations. We request this entire discussion be removed from the report because of these false assumptions and speculative calculations or substantially revised so as to be factually accurate.

Additionally, the attempt to calculate the number of fish recovered based upon an after-the-fact "mass" or weight-based analysis is predicated on flawed facts. The use of general statements and estimates of fish weight at the time of recovery is not precise and will necessarily result in a flawed estimate of the number of fish recovered. Photographs in the draft report clearly and graphically illustrate that the Site 2 fish had undergone decay and mechanical abrasion prior to or during recovery. In fact, a close examination of Figure 32 shows a fish "exploding" on the sorting table. Indeed, in some cases, fish "counting" involved counting fish-heads or backbones when possible. What is missing in the draft report is any reference to or reporting of the significant decay or mechanical abrasion these fish experienced because of being wrapped in a collapsed net—something that is clearly documented in Figures 23, 28, and 32 of the draft report. Reliance upon a mass-based calculation that is predicated upon a flawed understanding of the fish mass at the time they were removed to calculate the number of fish recovered will necessarily result in under estimating the number of fish recovered.

Likewise, the report fails to acknowledge that Cooke provided to the UIC, *on a real time basis*, tallies of fish extracted from the net pens as it was performing that extraction, in many instances under the direct observation of IRP personnel. The staff that supported the IRP in drafting this report were present during much of those extraction activities and, until now, never questioned the counts being provided by Cooke. And, again, the key fact of Cooke's willingness to discuss issues with the IRP is completely missing from the facts associated with the fish extraction calculations. Cooke requests that the present analysis be deleted and replaced with an analysis that incorporates the following accurate factual information:

- Cooke provided the UIC full access to salvage efforts, including opportunities to observe fish recovery efforts, and members of the UIC directly observed in real time these fish recovery efforts.
- Cooke provided daily counts of fish recovered from the collapsed system.
- The UIC never questioned those counts, nor did it request a different accounting system.

[8] Some fish were recovered from pursed nets lifted completely out of the water after suction of fish was completed, with those pursed nets cut open and the fish carcasses recovered in totes. For instance, a cursory review of Figure 29 indicates in the report that that picture is of Pen 22. Once the net was cleared by to the extent it could be by divers, it was pursed, and once that pursing stopped yielding fish it was lifted, cut open, and twelve totes were filled with fish carcasses.

- The estimate based on time of operation of the suction pipe, itself derived from dive time, needs to account for the fact that fish extraction was also occurring without divers in the water.
- The estimate based on mass needs to account for the significant abrasive effect of the nets on fish carcasses.

As written, the omission of the key facts detailed above leads to a defamatory analysis that Cooke cannot tolerate: that it misreported the total amounts of fish recovered from its net pens, a conclusion that is nonsensical considering that all the extraction and counting was done under the supervision of and in cooperation with the UIC.

C. Other factual corrections

With these "big picture" factual errors addressed, the draft report contains many other factual errors requiring correction. These include:

- Page 28: The description of the use of nylon rope is incorrect. Polysteel rope is used, not nylon rope.
- Page 32, last paragraph: The assertion that "Cooke had not made changes in the moorings between November 2010 and July 2017" is not supported by the records Cooke provided that showed prior maintenance of the anchors by Cooke or its predecessor, as acknowledged on Page 38 of the draft report: There are numerous documents provided to IRP regarding maintenance and work on the mooring systems between 2010 and July 2017.
- Page 36: The description of "mature" fish is not correct. Cooke has provided information on the "maturity" of these fish, independently verified by WDFW and tribal biologists, as not "sexually mature."
- Page 42, 43: Biofouling is not controlled to disperse feces and food pellets, nor does biofouling cause disease.
- Page 40, second bullet: The "possibility" that Cooke had spare lines in inventory is correct. Cooke purchased (and provided the invoice to IRP for) a significant amount of anchor hardware in December 2016, which was stored at its hatchery at Scatter Creek, and which inventory was drawn upon in response to the July 2017 incident. This also explains the source of the lines referenced in the third bullet on the same page. *See* CAP_DOE_002699 for a discussion of accessing the inventory at Scatter Creek; CAP_DOE_002874 for additional discussion; CAP_DOE_002876 for more discussion; and CAP_DOE_002878 for more.
- Page 51, last full paragraph: The factual assertion that "no documentation was provided by Cooke regarding the degree of cleaning accomplished by net washing" is incorrect. As discussed above, Cooke provided extensive documentation regarding net cleaning after the July incident. And, more fundamentally, the net washing equipment used between the July and August incidents are still available and were never formally inspected by the IRP. Although the IRP

incidentally encountered net washing when inspecting other facilities—to be expected because it is a routine activity—the IRP never asked to verify the effectiveness of the net washing equipment, never asked Cooke to provide a primer on net washing operations, and the IRP never made any measurements of nets prior to or after cleaning at other Cooke sites. The IRP needs to correct the false assertion that Cooke never provided documentation regarding the effectiveness of its net washing machines to note that the IRP *never asked to evaluate the effectiveness of those machines*. Had it asked, or if it asks in the future, Cooke is perfectly willing to provide such information.

- Page 53, last line of the full paragraph: That statement that Cooke never provided "information that would allow the IRP to compare those qualitative assessments to biofouling on other nets at other times." Again, this is a factually incorrect statement because, as with net washing machine effectiveness, *the IRP never asked for this information*.
- Page 56, footnote *: Cooke did explain that net washing is a standard remedial practice if mooring issues are encountered, but also that that nets at Clam Bay were being removed as that facility was harvested, and the mooring issues at Clam Bay were likely caused by shifting of the facility because of differential loads and high tides during harvest.
- Page 58: The IRP makes the conclusion that Cooke dismissed the concept of swapping nets at Site 2 as a corrective action. Again, a discussion of the facts surrounding this decision with Cooke would have helped the IRP draw correct factual conclusions. Although discussed at a manager's meeting, the feasibility of a net swap when fish are close to harvest size is limited, and the statement in the manager's meeting notes is simply one of how net hygiene practices may be improved across Cooke sites.
- Page 79, second to last paragraph: This needs to be corrected to acknowledge that Cooke voluntarily deployed the booms to contain the turbidity shown in Figure 21, and that representatives from DNR were grateful and praised that proactive action. This figure also shows the decay of the fish and further demonstrates that the fish could not have weighed an average of six or ten pounds at the time of extraction.
- Throughout the document, the IRP makes the assertion that it "twice asked Cooke for a causal analysis regarding the "cause(s) of the July incident and failure." This is a true statement but lacks additional facts. As the IRP is well-aware, Cooke representatives were participants in the investigation process until the point where those representatives were dis-invited from the process. Cooke was committed—and still is committed—to this investigation and put its resources and efforts, in the first instance, into cooperating with the IRP's joint investigation rather than initiating and conducting its own causal analysis. Given the shortcomings of the IRP's draft report, it is likely that Cooke will need to revisit the necessity of conducting its own independent investigation.
- Page 74: The allegations that there were "no ready plan to notify ECY, DFW and DNR of another incident," and that there were "no staged and staffed fish containment/recovery

equipment," are incorrect. As the UIC members have observed, there is a call list at all of Cooke's facilities—a list that has been updated since the Cypress Island incident. Cooke, in fact, started notifying agencies on Sunday August 20, as acknowledged elsewhere in the draft report. Cooke also has seine nets onsite at all its facilities and staff available to deploy those nets, but as members of the IRP are aware, deploying those beach seines cannot be done until permits from DFW and federal authorities are obtained.

- Page 96, item "a.," last sentence: As stated to the agencies previously, Cooke approached the agencies with an offer of a commercial fisherman to "wall off" Deepwater Bay, but that request for authorization to do so was denied.
- Page 97: The assertion that Cooke has not provided mortality data is incorrect. Kevin Bright emailed that information to Eric Kinne on August 28, 2017.

D. Factually correct findings

There are several factually correct findings found in the draft report that are worth enumerating:

- Cooke agrees that its fish were healthy at the time of release, with no endemic bacterial, viral, or parasitic (such as sea lice) pathogens detected in the group sampled immediately after release.
- Cooke agrees that the fish stock used do not eat in the wild and can confirm that all gastrointestinal tracts sampled by DFW, Cooke, and tribes were empty.
- Cooke agrees that the declining condition and weight of released fish were an important factor post-release in decreasing survival of fish in Puget Sound.
- Cooke agrees that the stress of an unfamiliar environment and lack of regular feedings resulting in a decreasing nutritional profile likely played a significant role in reducing survival of escaped fish.
- Cooke agrees with the assessment that the escaped fish in saltwater were all likely dead by November/December 2017.
- Cooke agrees with the assessment of freshwater survival and agrees with the need to monitor the Skagit and other rivers where Atlantic salmon have been detected. In fact, Cooke has already offered to fund that monitoring.

E. Lesson learned

Cooke agrees with many of the lessons learned, particularly with respect to need for greater and closer coordination with the state, tribes, and the federal government. Cooke has already drafted revisions to its Fish Escape and Response Plan, is evaluating whether other operational changes may be needed and invites continued dialogue with agencies on how to improve regulatory oversight of its operations.

F. Conclusion

In conclusion, Cooke appreciates the opportunity to correct the above factual inaccuracies in the draft report. As stated by the IRP itself, fixing these factual inaccuracies and performing corrections in the analyses that flow from these inaccuracies will result in a fairer, more complete report. In addition, as the IRP is aware, there are many legislative efforts to ban Cooke from Washington pending in the current legislative session. *Not correcting these factual inaccuracies and the resulting analyses and instead choosing to finalize the report with the same conclusions as in the draft report will severely prejudice Cooke during the legislative session*. Should the IRP require any follow up information, or further clarifications, be assured that Cooke stands ready to respond to those additional requests.

Very truly yours,

Douglas J. Steding
dsteding@nwresourcelaw.com
206.971.1567

cc: Dennis Clark, Washington Department of Natural Resources (via email)