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DEPARTMENT OF ECOLOGY
OFFICE OF DIRECTOR

August 19, 2008

Mr. Jay Manning, Director
Department of Ecology
State of Washington
P.O. Box 47600
Olympia, WA 98504-7600

Re: Setting the Record Straight

Dear Mr. Manning,

As President of one of Washington's largest shellfish companies growing geoduck clams, I am an outspoken defender of shellfish farming. On July 17th, Laura Hendricks, the spokesperson for the Coalition to Protect Puget Sound Habitat, posted on a Seattle PI blog a series of statements about me and my company, Seattle Shellfish, which can only be described as out right lies. Because I believe my integrity and honesty have been and will continue to be crucial to my success as a shellfish farmer, which includes my work on shellfish farming issues with various regulatory agencies, I would like to set the record straight, both about myself and about Laura Hendricks.

Ms. Hendricks' claims about me and Seattle Shellfish relate to an ownership dispute (a lawsuit which she initiated, lost, and is now appealing) over tidelands in front of her house in South Puget Sound. She essentially claims in her blog entry that I committed perjury in an effort to help an individual with a competing claim to the tidelands prove ownership and defend themselves against Ms. Hendricks' adverse possession claim. The fact is that I testified by declaration that our company leased the tidelands from 1999 to 2001 from the person listed by the Pierce County Assessor as the owner of the tidelands. At that time we notified adjoining upland owners of our intention to establish a farm and then planted 3 small 10' square test plots of geoducks in the tidelands. In 2001 we declined to exercise an option to purchase the tidelands because of the ownership/title questions that became evident during our lease. Contrary to Ms. Hendricks' claims, I have never given false testimony to a court, attempted to adversely possess these tidelands (or any other land), failed to report any clam revenue to any respective authority, or poached clams from private landowners.

Ms. Hendricks' false claims about me reflect a larger pattern of hypocrisy and deception that she brings with her in her relentless attacks on the shellfish industry. I find it baffling that Ms. Hendricks was first invited to continue her overzealous criticism of the shellfish industry through her appointment to the State Shellfish Aquaculture Regulatory Committee and has since been allowed to remain in that position in spite of a public record that would argue against such a role. Did you know that:

1. At the same time that Laura Hendricks was the spokesperson for the Coalition to Protect Puget Sound Habitat whose mission is to "...protect the habitat of Puget Sound tidelands..." she illegally remodeled her boathouse and had "installed plumbing (that)

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runs out to ground,” where presumably the discharge waters trickle onto those same Puget Sound tidelands she says she’s interested in protecting. (See Pierce County Notice of Violation issued on August 10, 2006, for building without a permit on parcel #0122252026.) These are the same tidelands we previously leased and which Ms. Hendricks now attempts to claim by adverse possession. (See Pierce County Case No. 07-2-06013-3.)

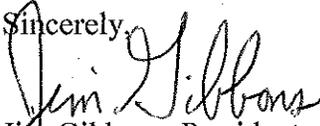
2. While Ms. Hendricks continually complains that shellfish aquaculture regulations “lack teeth,” she’s chosen to ignore Pierce County Enforcement’s “Certificate of Non-Compliance” (issued May 10th, 2007 and attached to her home, parcel #0122252026) which states that “Pierce County cannot verify code compliance.” Over a year later, the Certificate of Non-Compliance remains in place and Hendricks continues to snub her nose at Pierce County, doing nothing to fix the underlying problem.
3. While Ms. Hendricks is quoted as saying that “it’s cheaper to take it and not pay for it,” she herself tried to deny someone else’s property right to a legal septic easement on a second Hendricks’ water view home (see Pierce County Cause No. 02-2-14249-0) by blocking access to the easement.
4. While Ms. Hendricks’ cohorts have attacked Taylor Shellfish for wasting the taxpayers’ moneys by appealing a county permit decision, she appealed the adverse ruling in the “septic easement” lawsuit mentioned above to the Appeals Court, which considered her case sufficiently frivolous to require Ms. Hendricks to pay the other party’s attorney fees. The Washington State Supreme Court declined to hear the case.

The news media has failed to report these incidents even as they repeatedly quote Ms. Hendricks on environmental issues. These activities would likely be front page news if engaged in by a shellfish farmer. Indeed, had these incidents been reported, I question whether environmental organizations like People for Puget Sound and the Tahoma Audubon Society would have ever aligned themselves with Ms. Hendricks.

When I saw Ms. Hendricks misstatements on the PI blog, my initial reaction was to ignore them. But then I found out that at least one state employee who had read the blog had inquired about it to a colleague. At that point I decided that perhaps more harm had been done then I realized. As my attorney and I evaluate legal options against Ms. Hendricks and her Coalition for the statements she made about me and Seattle Shellfish, I thought it important that I first correct the record with you personally.

Please don’t hesitate to call if you have any questions.

Sincerely,


Jim Gibbons, President
Seattle Shellfish