

From: seablues Puddicombe [mailto:seablues@msn.com]
Sent: Tuesday, July 01, 2008 6:33 PM
To: Lund, Perry (ECY)
Subject: Re: Shellfish Aquaculture/Fish Habitat

Perry,

Thank you.

I only recently reviewed the SARC notes and I observed that there has been no mention of our flat fish so far. Flounder utilize the intertidal habitat sediment for feeding and to avoid predation.

Thank you for taking the time to consider Puget Sound's Starry Flounder.

Regards,

Curt Puddicombe
Vaughn, WA

----- Original Message -----

From: [Lund, Perry \(ECY\)](#)
To: [seablues Puddicombe](#)
Cc: [Holcombe, Candice \(ECY\)](#)
Sent: Monday, June 30, 2008 11:32 AM
Subject: RE: Shellfish Aquaculture/Fish Habitat

Thank you, Curt.

I appreciate you taking the time to share your concerns about geoduck aquaculture and the health of Puget Sound. I will include them with the materials that we are considering in our review. We are still in the information-gathering mode and I assure you that your comments will not be ignored, but will be taking into account when we get to the point where we have to draw conclusions and make decisions.

Perry J Lund
Shorelands and Environmental
Assistance Program
Southwest Regional Office
(360) 407-7260
plun461@ecy.wa.gov

From: seablues Puddicombe [mailto:seablues@msn.com]
Sent: Saturday, June 28, 2008 9:41 PM
To: Lund, Perry (ECY); Manning, Jay (ECY); terry.lee@co.pierce.wa.us; cgoing1@co.pierce.wa.us; lantz.patricia@leg.wa.gov; Seaquist, Larry; fraser.karen@leg.wa.gov; Kilmer, Derek; carrell.michael@leg.wa.gov; Dicks, David (PSP); Drew, Kathleen (GOV)
Cc: Kathryn Townsend; Laura Hendricks; Jules; bill burrows
Subject: Shellfish Aquaculture/Fish Habitat

June 28, 2008

Department of Ecology
State of Washington
Shellfish Aquaculture Regulatory Committee (SARC)

Attention: Perry Lund

Dear Mr. Lund and SARC members,

I respectfully request that more importance be given to fish habitat in the process of formulating regulations for the expansion of geoduck and other intensive shellfish aquaculture techniques in the intertidal and nearshore of South Puget Sound.

One of the purposes of the [Magnuson-Stevens Fishery Conservation and Management Act](#) (104-297) is to ensure the preservation of essential fish habitat and to prevent adverse impacts to these habitats.

There's been some mention of forage fish (surf smelt and sand lance) in the process so far. There are many other numerous fish species that utilize the intertidal in South Puget Sound. My primary concerns at this time are for salmon and steelhead, SRC (sea run cutthroat) and flatfish (starry flounder or rock sole).

Tidelands that are rich in sand dollars, for example, are well known as being indicative for the presence of SRC. These habitat areas should not be altered or destroyed for the purpose of shellfish aquaculture. Also, it is incontrovertible that covering the nearshore substrate with plastic pipe, mesh bags and/or netting constitutes the elimination of vital habitat for [flounder](#) or sole.

These important issues should be addressed by independent and unbiased fisheries biologists before the shellfish industry continues to expand further.

I also have concerns that traditional recreational and sport fishing grounds are being lost to the shellfish industry.

I'd also like to point out that the David Suzuki Foundation, Sustainable Shellfish Executive Summary, Recommendations for Responsible Aquaculture, British Columbia, Canada, states the following:

- "Anti predator netting should not be permitted unless ongoing studies show little to no negative impacts."

- "This practice of proceeding until there is proof of damage is in direct opposition to the 'precautionary approach' required under The Oceans Act."

- *"Studies on the impacts of phytoplankton depletion on marine ecosystems must be undertaken before this industry is allowed to expand."*

- *"The 'precautionary principle' must be applied to alien species...the risks are unacceptably high."*

- *"Expansion should not proceed until all studies, including cumulative effect studies, have been completed."*

Thank you for your time and consideration.

Regards,

Curt Puddicombe
PO Box 228
Vaughn, WA
seablues@msn.com
cell: 206-730-0288

From: Manning, Jay (ECY)
Sent: Thursday, July 10, 2008 10:05 AM
To: White, Gordon (ECY); Toteff, Sally (ECY); Ehlers, Paula (ECY); Clingman, Tom (ECY); Lund, Perry (ECY)
Subject: FW: Investigation of encroachment of shellfish operations on state land

fyi

Jay J. Manning
Director, Department of Ecology
(360)407-7001

From: Kathryn [mailto:kathryn@protectourshoreline.org]
Sent: Thursday, July 10, 2008 9:38 AM
To: brittaig@sao.wa.gov
Cc: Rep. Kathy Haigh; Rep. Pat Lantz; Rep. Maralyn Chase; Seaquist, Larry; Rep. Dave Upthegrove; Rolfes, Christine; Senator Tim Sheldon; Senator Karen Fraser; Senator Mike Carrell; Senator Ken Jacobsen; Kilmer, Derek; Lynda Karseboom; Manning, Jay (ECY); Jeff Koenings (koenijpk@dfw.wa.gov); Dicks.David@psp.wa.gov; Drew.Kathleen@gov.wa.gov; ckleebe@co.pierce.wa.us;

kruppd@co.thurston.wa.us; David Bricklin; Rep. Sam Hunt; laura Hendricks
Subject: Investigation of encroachment of shellfish operations on state land

Dear Mr. Brittain,

I have learned from Laura Hendricks that the State Auditor is investigating the Taylor Shellfish encroachment on State tidelands in the Adams Lane area of the east side of Totten Inlet in Thurston County. This investigation is particularly important to Thurston County because of the complete lack of regulatory oversight in the County in regards to shellfish aquaculture.

In the last 10 years, Thurston County has seen a surge in the expansion of shellfish aquaculture and new intensive practices, particularly geoduck aquaculture, into all the inlets of the County except Budd Inlet. With the exception of one permit granted for a shellfish farm in 1993, none of the shellfish operations in Thurston County was ever put through a permitting process, public comment or environmental review.

Last summer in 2007, we rented a small boat on several occasions and toured the inlets of Thurston County during low tides. Not only is Totten Inlet filled with geoduck farms down to the lowest tidal elevation, but large sections of Eld Inlet, Henderson Inlet and Nisqually Reach are in geoduck production as well. In a letter in 2006, the County planners claimed they had no knowledge of geoduck operations. There are thus no public records of these operations at the County that would allow a neighbor or concerned citizen to easily determine if the operation encroached on his land or on state land. This, along with lack of DNR oversight, are two of the reasons the encroachment by Taylor Shellfish onto state lands in Totten Inlet was so possible.

The current position of Thurston County is that they will determine with the "cooperation of the shellfish companies" if a new shellfish operation requires a substantial shoreline development permit. Based on the experiences in Totten Inlet and other areas of South Puget Sound, we have no hope that the shellfish companies will cooperate in any manner that does not directly serve their interests and we believe in fact, based on events in Pierce County, that they will bring resources to bear, including threat of lawsuits, to be able to continue their expansion without regulation. We do not believe that the shellfish industry Best Management Practices is a solution to this problem. When ignorance of encroachment on state lands is the defense, as evidenced by Bill Taylor's recent email, it is clear that the shellfish industry is unable to regulate itself.

We know that Taylor Shellfish has been farming in South Puget Sound for decades. We know Taylor Shellfish has partnered with state agencies and environmental groups to work on clean water initiatives, because it is their business objective to do so. We know that Taylor Shellfish is considered an important partner in the efforts to clean up Puget Sound.

Yes, we know that Taylor Shellfish is perceived to have an iconic status in Washington State. But this is not an excuse for illegal activity and neither is ignorance. In fact, a Taylor Shellfish farm manager stated in testimony during a December 13, 2007 Pierce County appeal, that they know exactly where their geoduck beds are because they use a GPS system.

We therefore urge you to investigate this matter dispassionately and apply the appropriate legal consequences without regard to the perceived status of Taylor Shellfish. We also join with other

members of the *Coalition to Protect Puget Sound Habitat* in requesting a financial and performance audit of DNR's aquatic division to insure that they are properly discharging all of their duties on behalf of the citizens of the state of Washington.

Thank you in advance for your attention to this matter.

Best regards,
Kathryn Townsend
<http://www.ProtectOurShoreline.org>

From: bill burrows [mailto:profb@myvbprof.com]
Sent: Thursday, July 10, 2008 6:43 PM
To: ajenkins@kplu.org; bkirkeeng@wavecable.com; Becky.Stanley@sierraclub.org; bjohnson@dpearson.com; billyneal4@comcast.net; seablues@msn.com; dnelsonma@nwtekk.com; Evatsdl@aol.com; anne1700@wildblue.net; ecam@goodsteinlaw.com; GwandRM@nwlink.com; Holcombe, Candice (ECY); westcoastcamms@yahoo.com; jfjohannes4@msn.com; irving.zigzag@gmail.com; poganyjobe@aol.com; JJNM@aol.com; ktown@WorkingArtist.com; Katsea@comcast.net; Kkris47@aol.com; ksheafe@comcast.net; larryedr@msn.com; llhendricks@comcast.net; Bensonsinnw@aol.com; loisbau@comcast.net; Lund, Perry (ECY); duckworths@mac.com; marilyn.showalter@gmail.com; MLWheelis@ucdavis.edu; tntreefer@aol.com; NatePOP@aol.com; patriciaclair@hotmail.com; earl_ra@msn.com; RMarconi@lawasresults.com; stanmaggie@comcast.net; teresastone@wavecable.com; bill.trandum@rbcdain.com
Cc: grancoops@aol.com
Subject: Fwd: Investigation of encroachment of shellfish operations on state land

Hi,

I am forwarding you the email below from Kathryn Townsend to Jim Brittain (brittaig@sao.wa.gov) who is the enforcement officer for the State Auditor's Office. This issue with Taylor Shellfish farming on State land in Totten Inlet is now under investigation by the Auditor's office.

I am sending this for two reasons; one is the extensive email distribution list Kathryn used. These addresses might be helpful to anyone wanting to send letters.

Second, a number of you have expressed your concern that the DNR and the shellfish people seem too close -- that you never see DNR people without several shellfish people in tow. I know for a fact that the now abandoned site on DNR beach 24 (McMicken Island) was selected by an employee from Taylor Shellfish. If you have concerns like this, now would be a good time to write Jim Britten and express those concerns.

bill

Date: Thu, 10 Jul 2008 09:38:02 -0700
To: brittaig@sao.wa.gov
From: Kathryn <kathryn@protectourshoreline..org>
Subject: Investigation of encroachment of shellfish operations on state land
Cc: "Rep. Kathy Haigh" <haigh.Kathy@leg.wa.gov>, "Rep. Pat Lantz" <Lantz.Patricia@leg.wa.gov>, "Rep. Maralyn Chase" <chase.maralyn@leg.wa.gov>, "Rep.

Larry Seaquist" <seaquist.larry@leg.wa.gov>, "Rep. Dave Upthegrove" <upthegrove.dave@leg.wa.gov>, "Rep. Christine Rolfes" <rolfes.christine@leg.wa.gov>, Senator Tim Sheldon <sheldon.tim@leg.wa.gov>, Senator Karen Fraser <fraser.karen@leg.wa.gov>, Senator Mike Carrell <carrell.michael@leg.wa.gov>, Senator Ken Jacobsen <jacobsen.Ken@leg.wa.gov>, Senator Derek Kilmer <Kilmer.derek@leg.wa.gov>, Lynda Karseboom <karsebol@sao.wa.gov>, Jay Manning <jaym461@ecy.wa.gov>, "Jeff Koenings (koenijpk@dfw.wa.gov)" <koenijpk@dfw.wa.gov>, "Dicks.David@psp.wa.gov" <Dicks.David@psp.wa.gov>, "Drew.Kathleen@gov.wa.gov" <Drew.Kathleen@gov.wa.gov>, "ckleebe@co.pierce.wa.us" <ckleebe@co.pierce.wa.us>, "kruppd@co.thurston.wa.us" <kruppd@co.thurston.wa.us>, David Bricklin <Bricklin@bnd-law.com>, "Rep. Sam Hunt" <Hunt.Sam@leg.wa.gov>, "laura Hendricks" <laura.l.hendricks@gmail.com>

Dear Mr. Brittain,

I have learned from Laura Hendricks that the State Auditor is investigating the Taylor Shellfish encroachment on State tidelands in the Adams Lane area of the east side of Totten Inlet in Thurston County. This investigation is particularly important to Thurston County because of the complete lack of regulatory oversight in the County in regards to shellfish aquaculture.

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water initiatives, because it is their business objective to do so. We know that Taylor Shellfish is considered an important partner in the efforts to clean up Puget Sound.

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We therefore urge you to investigate this matter dispassionately and apply the appropriate legal consequences without regard to the perceived status of Taylor Shellfish. We also join with other members of the *Coalition to Protect Puget Sound Habitat* in requesting a financial and performance audit of DNR's aquatic division to insure that they are properly discharging all of their duties on behalf of the citizens of the state of Washington.

Thank you in advance for your attention to this matter.

Best regards,
Kathryn Townsend
<http://www.ProtectOurShoreline.org>

From: bill burrows [mailto:profb@myvbprof.com]

Sent: Friday, July 11, 2008 2:33 PM

To: Brittain, Jim

Cc: ajenkins@kplu.org; bkirkeeng@wavecable.com; Becky.Stanley@sierraclub.org; bjohnson@dpearson.com; billyneal4@comcast.net; seablues@msn.com; dnelsonma@nwtekk.com; Evatsdl@aol.com; anne1700@wildblue.net; ecam@goodsteinlaw.com; GwandRM@nwlink.com; Holcombe, Candice (ECY); westcoastcamms@yahoo.com; jfjohannes4@msn.com; irving.zigzag@gmail.com; grancoops@aol.com; poganyjobe@aol.com; JJNM@aol.com; ktown@WorkingArtist.com; Katsea@comcast.net; Kkris47@aol.com; ksheafe@comcast.net; larryedr@msn.com; llhendricks@comcast.net; Bensonsinnw@aol.com; loisbau@comcast.net; Lund, Perry (ECY); duckworths@mac.com; marilyn.showalter@gmail.com; MLWheelis@ucdavis.edu; tntreefer@aol.com; NatePOP@aol.com; patriciaclair@hotmail.com; earl_ra@msn.com; RMarconi@lawasresults.com; stanmaggie@comcast.net; teresastone@wavecable.com; bill.trandum@rbcdain.com

Subject: The DNR and Taylor Shellfish

Mr. Jim Brittain
Director of Special Investigation
Washington State Auditor

Dear Mr. Brittain,

I am a resident of Harstine Island and have been involved with a group of concerned citizens on Harstine and Stretch Islands. Our concerns relate to the DNR and its Geoduck Aquaculture Program wherein the DNR is in the process of turning our public beaches into profit centers for private industry. One of our greatest concerns is the apparent "cozy" relationship between the DNR and the shellfish industry. Until the recent revelations regarding the DNR and Taylor Shellfish in Totten Inlet, we were hesitant to come forward and formally express our concerns. However, it appears that the time has come to make them known. If you are not the correct individual to receive this letter, please let me know who I should send it to.

Our concerns started with a meeting at the Anderson Island Community Center in November, 2007. The DNR and Taylor people were invited to answer questions regarding a beach on Anderson Island that was being targeted by the DNR for geoduck aquaculture. There was almost unanimous opposition expressed by citizens during the meeting. It was clear to all that the DNR program was unwelcome on the beaches of Anderson Island. Following the meeting, my wife and I, plus a number of citizens and Senator Mike Carroll were on the ferry back to the mainland. At the other end of the ferry, huddled into a corner, were the DNR and Taylor people. They were deep in conversation. The appearance of impropriety was unmistakably.

In early 2008, some citizens of Harstine asked the DNR to come out and walk two of the beaches they were considering for a geoduck lease. When the DNR people showed up, they were accompanied by 2 Taylor employees. As difficult questions were asked, the DNR people frequently deferred to the Taylor people for answers. There were also private conferences between the DNR and Taylor people which looked very bad.

One of the beaches that was being walked was chosen earlier that year by a Taylor Shellfish employee. I know this because he told me.

When the DNR released the sites that would be put out for bid in 2007, they included pictures of the sites. In one of the pictures, at least one employee of Taylor shellfish is seen walking on the beach apparently inspecting it.

These four examples show a relationship between a state agency and a private company that is inappropriate given the fact that millions of dollars are available to the private firm based on actions of the state agency.

The DNR has a very nice sounding list of beach selection criteria. However, it appears that what really happened was the DNR and Taylor traveled around the Sound picking the beaches that would be best for aquaculture and the published site selection criteria were just for "show".

Now we have the Division Manager of the DNR Aquatic Division saying that any mistake on Taylor Shellfish's part in Totten Inlet is "an unintentional occupation" [Peninsula Gateway]. What in the world does this mean? Does the Timber Division of the DNR look the other way if a timber company harvests 20 acres of state land? Further, the same person states that the company is "reputable" [Peninsula Gateway]. It is not the job of a state employee, especially one this high in the organization, to be making statements like this.

The situation is further complicated by the actions of the Division Manager of the DNR Aquatic Division by permitting Taylor to remove shellfish from the Totten site that is under dispute. This is clearly "tampering" with evidence. The rationale provided to date simply fails the "stink" test. Remove the shellfish from the disputed land, land that is in deeper water than the undisputed land, claiming that the shellfish are getting too hot in the deeper water is just a joke.

The relationship between the DNR and Taylor shellfish that has become public, both before and after revelation of the trespass on State land, concerns us deeply. The DNR should be stewards of the aquatic resources for the State's citizens, not for the benefit of a few private firms.

Sincerely,

William Burrows
401-130 E Beach Shore Drive
Shelton, WA 98584

From: JJNM@aol.com [mailto:JJNM@aol.com]
Sent: Friday, July 11, 2008 5:38 PM
To: Lund, Perry (ECY)
Subject: Fwd: Inadvertent Geoduck Farming on State Lands in Totten Inlet

Perry - I sent attached email to Mr. Manning because my initial concerns about an accurate database of tidelands in production was first sent to him November 9.

I assume you are aware of Taylor's encroachment onto state lands in Totten Inlet now being investigated by the state. As I told Mr. Manning in November and you again last month, it is critical for an accurate number of tideland acres to be determined. Now, what little we do know is in question. Based on the number of tideland acres sold as surveyed oyster tracts in south Puget Sound, especially in the Totten Inlet area, I suspect this is not an isolated incident.

For SARC to continue down its current path without first gathering the accurate information puts the public process at risk. I cannot encourage you enough to force the issue of getting accurate tideland information from the shellfish companies, and verify that it is indeed accurate. It is not difficult unless the shellfish industry chooses to make it so.

Jules

From: seablues Puddicombe [mailto:seablues@msn.com]
Sent: Sunday, July 27, 2008 6:29 PM
To: Lund, Perry (ECY); Manning, Jay (ECY); terry.lee@co.pierce.wa.us; cgoing1@co.pierce.wa.us; lantz.patricia@leg.wa.gov; Seaquist, Larry; fraser.karen@leg.wa.gov; Kilmer, Derek; carrell.michael@leg.wa.gov; Dicks, David (PSP); Drew, Kathleen (GOV)
Subject: SARC and fish habitat

July 27, 2008

Department of Ecology
State of Washington
Shellfish Aquaculture Regulatory Committee (SARC)

Attention: Perry Lund

Dear Mr. Lund and SARC members,

In a letter dated June 28, I wrote and asked if more fisheries biologists could be involved in the SARC process, since shellfish aquaculture is carried out in intertidal fish habitat areas and most South Sound salmon species are ESA listed. Of course, I am also concerned about bottom fish as well, including flounder, bullhead and dogfish. Anyway, I appreciate your quick response to that letter.

If I may, I wanted to direct the SARC to a study done by King County in 2001-2002. This study was designed to provide information on the life cycles of salmonids in Puget Sound. Although the study focuses on central Puget Sound, the basic information is applicable to South Sound as well. Unlike some of the Canadian studies, this study focuses on the importance of the nearshore for the survival of salmon.

Here is a link to the study:

<http://www.kingcounty.gov/environment/watersheds/central-puget-sound/nearshore-environments/juvenile-salmonid-report.aspx>

Under Part 2, Recommendations, Section 5.1, Protect and Restore the Marine Nearshore Habitat Complex, the study states the following:

"Therefore, it is the complex of habitats, composed of varying substrate types, vegetation types, tidal stages, and other physical, chemical, and biological factors that support salmon in the nearshore."

"Protecting and restoring the natural processes that form and maintain habitats is the key to success. The natural processes that form and maintain habitat in the nearshore serve as the foundation of the structure and functions that support salmon. Disruption of sediment and prey inputs, changes in hydrology and other processes results in a chain reaction, ultimately leading to lost or dysfunctional habitat for salmon. Impediments to natural processes need to be prevented or removed to allow for conditions conducive to salmon production."

Thank you for your time and consideration.

Regards,

Curt Puddicombe
PO Box 228
Vaughn, WA
seablues@msn.com
cell: 206-730-0288
