

Letter from Jim Gibbons to Gordon White

April 9, 2010

Memorandum

To: Gordon White
Shorelines and Environmental Assistance Program Manager
Washington State Department of Ecology

From: Jim Gibbons
CEO
Seattle Shellfish

CC: Karen Frazier, Washington State Senator
Karen Valenzuela, Thurston County Commissioner
Sandra Romero, Thurston County Commissioner
Ted Sturdevant, Director of Washington State Department of Ecology
David Dicks, Puget Sound Partnership
Joe Ryan, Puget Sound Partnership
Roma Call, Puget Sound Partnership
Tammy Owings, Puget Sound Partnership
Frank Mendizabal, Puget Sound Partnership
Jennifer Eberle, Puget Sound Partnership
Robin Downey, Pacific Coast Shellfish Growers Association
Kristin Swenddal, Washington State Department of Natural Resources
Mo McBroom, Washington Environmental Council
Duane Fagergren, Puget Sound Partnership
Bruce Wishart, People for Puget Sound
John Dodge, Daily Olympian

Re: Recent Issues Related to Sand Dollars on Geoduck Beds

Recent complaints about possible unintentional destruction of sand dollars from some shoreline homeowners near our geoduck farm at Hunter Point in Dana Passage prompted our company to investigate the issue. What had precipitated the complaints was that a small portion of a sand dollar bed had been relocated so that Seattle Shellfish employees could harvest some farmed geoduck. Through our internal investigation, I learned some of those sand dollars had been mistakenly moved to the cobble area of the beach where there was a good chance they would not live instead of to the sand dollar bed below the cobble. The problem has been corrected by management. Seattle Shellfish now has a better program in place with our employees to ensure that, if necessary, sand dollars will be relocated ONLY in areas suitable to their continued viability.

Surprisingly, when I toured the area on April 5th along with Duane Fagergren, a Marine Specialist with the Puget Sound Partnership, we found no evidence of the sand dollar

destruction described by neighboring homeowners. It is my belief that the sand dollars migrated back to their beds with the help of the wave action from recent storms. What we did find in the area were millions and millions of thriving sand dollars and little to any dead sand dollars.

A shellfish farmer has to protect his/her crop from predators and pests or in many instances they will be put out of business. Our company does our best to follow the Pacific Coast Shellfish Growers Association Environmental Codes of Practice (ECOP) when dealing with pests or predators.

According to the ECOP, “given the potential for negative impacts, farmers must make a great effort to conduct pest and predator control measures that have the lightest touch on the environment, taking into account seasonal fluctuations, weather, and other conditions that may aid or hamper their efforts in controlling pests and predators.”

Since this event, the Pacific Coast Shellfish Growers Association has voted to approve an amendment to their ECOP dealing specifically with sand dollars. The approved amendment to the ECOP states:

“Relocation of some of the sand dollar bed may be necessary in some instances, such as when sand dollars are covering a bed of geoduck clams, so that the companies can harvest their product.

When planting in a sand dollar bed, the most benign approach would be to not move them. During grow out, growers have found that geoduck clams and sand dollars can co-exist. However, if the sand dollars are so thick as to inhibit planting or full harvest, then relocating the sand dollars onto existing areas of the sand dollar bed from which they originated and which will not interfere with the growing of shellfish would be the next option. If leaving them in place or moving them to a part of the existing sand dollar bed is not economically practical, the next method would be to relocate them to other suitable habitat in which they normally grow and where they can survive.

Such new habitat should be as similar as is practically possible to the habitat from which they originated.”

APPROVED by the Pacific Coast Shellfish Growers Association board of directors - April 7, 2010.

Shellfish growers take our responsibility as stewards of the environment seriously. The swift and immediate response by both my company, and our industry trade association, to the possible destruction of sand dollars is evidence of our stewardship values. We are confident that with a new company program and ECOP amendment in place that there will be no further potential for destruction of sand dollars by shellfish growers.

Letter from citizen to Ted Sturdevant, March 22, 2010

Good Day Ted,

I was given your name as a contact in the hope of possible help in a desperate plea for help. Help with a terrible act of genocide that happened before my eyes on the beautiful beach where I live. The Geo Duck farmers, Seattle Shellfish, was digging up the beautiful purple Sand Dollars and dumping them by the wheelbarrow full to the highest point on the beach to die! They were eradicating this creature from their Geo Duck beds. I approached the workers asking what they were doing and their reaction was relocating them so they can feed the world. I ask them if they felt anything at all and why did they have to kill these beautiful creatures and totally remove them from this beach. They said the Sand Dollars were not dead and besides they didn't have a brain and it wasn't like they were crushing them. They stated that they would migrate back the the same site and that is why they erected a fence to keep them out. This is one of the most absurd, ridiculous occurrences I have ever witnessed! I stopped, walked up to the pile of literally thousands, picked one up and it's once soft purple feet were dry and lifeless...DEAD. I turned with tears streaming down my cheeks filled with grief, sorrow and disbelief for what my species had done and called them heartless, unfeeling beasts. They said we are feeding the world. I replied "Feeding your pockets with greed!"

I announced I would be calling the Washington Fish and Wildlife Commission and went back to my home. I proceeded to take pictures and witnessed one of the workers relieving himself on the beach which is captured in a picture but may be too far away to see his male member also in one picture was glass jar left behind by them also. So being after business hours I decided to call the next day which was March 23. I did just that, 8:00 am I called the headquarters Fish and Wildlife in Montesano. The receptionist assured me she would have an officer contact me shortly. I gave her my full name address and cell phone number.

Off to work I went, patiently awaiting that phone call to no avail. March 24th I decided to call the Olympia office of the Washington Fish and Wildlife Commission. This time I spoke with Lori Preuess 360-902-2930, she was so gracious and agreed it didn't sound like it was the right thing to do but did not know the laws and assured me she would have an officer contact me asap. She took my name address telephone number and stated they may want to come to my beach which I welcomed. Again off to work I went and waited for that phone call, again no call came. Again I watched in horror as the workers of Seattle Shellfish worked into the late hours of the night digging and dumping the helpless Sand Dollars up the high side of the beach next the bluffs. I became so upset I called again the Montesano Fish and Wildlife to hear a message advising to call the State Patrol, so I did. I spoke to an officer told him my plight and he said he would contact an officer and I should hear from one shortly. After waiting for quite some time I had to get some sleep around 10:30 pm I gave up and went to bed but the Geo Duckers were still in the KILLING FIELDS working away until God knows when, killing and killing and killing again.

March 25th I called Lori at the Olympia office and got her answering machine. I left a message in tears telling her I thought they were the stewards of our earth looking out for the animals and working for the protection of the species not in the best interest of the

killers. I had heard from no one and were they waiting until the job of killing was finished until they addressed this issue? She returned my call leaving a message on my phone assuring me an officer, a captain would be in contact with me and they were so short handed they were doing what they could. Still no phone call until March 26th about 12:30 pm an officer called, very abrupt and said "you called?" Silly me I thought he would have been told why I called - NOT - so I began asking if it was legal for the Geo Duck farmers to remove and kill the Sand Dollars from their planting field, he interrupted me and stated I have been on annual leave and the Geo Duck Farmers were allowed to kill any living creature that interfered with their crop! I was devastated and with disbelief thanked him (for what I still do not know) and hung up.

I was crushed and decided to try one last thing....before pulling into my drive way I decided to go to my neighbor where the Geo Duck farmers were working on their beach area and inform them of what was happening. After my conversation they said " It is not our beach, we weren't given the rights when we purchased our home, sorry. My heart sank. I went home and to my dismay, the diving barge was on the killing site now and now it was time to remove the native geo ducks so there was a sterile field ready to plant. During the last two years I have lived on this beautiful beach I have witnessed more than this in destruction, I have witnessed the clubbing of the Sea Snail shells where Jim Gibbons himself announced he does this regularly because they eat his Geo duck. I have seen human feces on the beach from his workers because apparently no facility is provided and of course urination right in front of me not even hiding. I even have a photo capturing one urinating. This is appalling and must stop.

I will not give in and let these greedy, killers prevail without one more try for help. Please is there anything you can do, anything? Even if you can guide me to someone else that may help. The Sand Dollars do not have a voice that most humans can hear so I will be their voice "Help stop the killing" What is next and what will be the effects on our environment and our beautiful Puget Sound? I love living here and all the gifts that have been entrusted with are disappearing right before our eyes. Doesn't anyone care?
Thank you for your time,
Brenda

Email exchanges between citizen Brenda and Jim Gibbons

Subject: RE: Perspective
Date: Fri, 2 Apr 2010 09:21:56 -0700

From:
jlgibbons@seattleshellfish.com

To:
Brenda,

We have had a warm and cordial relationship with the land owner since 1998. He's the one who has given us permission to use his beach access for over ten years.

He's also the one who first told me about the fuel tank behind the bulkhead being used as an unlawful septic system for his non-conforming beach house. You can see the result of such "over use" of the fuel tank/quasi septic system in the algae growing on the beach about twenty-five feet below the beach house. The non-conformity of your living arrangements should certainly have been apparent to you when Bill had to protect your water source, the garden hose running down the hill from the main house, from freezing. We agree on more than you may realize, particularly on the importance of the law and protecting Puget Sound.

Now that you've asked I will most assuredly respect your living arrangements and would ask that you do the same regarding our property rights on the beach we farm below and to either side of your current living quarters.

Jim Gibbons

From: Brenda B [mailto:
Sent: Friday, April 02, 2010 8:48 AM
To: Jim Gibbons
Subject: RE: Perspective

Dear Mr. Gibbons,

I am receipt of your email dated March 31, 2010. Contrary to your allegations, I have never heard of or seen any evidence of raw sewage or septic problems on this property. The dead aquatic life I have seen on our beach has been a result of your operations. Read carefully and understand I want to make this clear; you and your employees do not have my permission to trespass on my property for beach access and I do not want you to come to my home again. If you wish to communicate with me, please do it in writing either by email or mail. Please respect the law and my right to privacy in this regard despite the fact that you feel I should not live here.

Sincerely,
Brenda

Subject: Perspective
Date: Wed, 31 Mar 2010 21:54:55 -0700
From: jlgibbons@seattleshellfish.com
To:

Brenda,

Yesterday I learned that you had issues with our handling of some sand dollars on the geoduck clam bed in front of your boat house. I went to your home to offer some explanation. You weren't home and I had to see one of our lessors so I went and visited with them a bit. They happened to have your business card with your phone number. I stopped by your home one more time yesterday afternoon and you were still not home. At that point I left a polite message on your cell phone asking you to give me a call. You never called. This evening an email that you penned this morning was forwarded to me.

Do I regret that one of our crews placed a lot of sand dollars on the beach? Yes. I also regret that you did not call me to discuss the issue. I've always thought we've had a good relationship, have given Bill some clams and encouraged you to ask our crews for clams. To be honest what I regret the most, though, is the hate you espouse in your email. That I don't understand. I also don't understand your lack of perspective. Perspective would allow you to compare our actions with your actions.

Your email letter implies you care about the Sound and the creatures living in it. Our conversations have also left me with the impression that you care about the Sound.

I've never been able to reconcile what I thought were your caring views with the fact that you lived in a boat house where the raw sewage from your home went into a seepage pit only feet behind the house and only feet from the beach where it runs out onto the beach. I've attached a document that should convey to you that the number one problem that our nation faces is nutrient pollution. It's what is killing Hood Canal, Chesapeake Bay, and causing many of the problems in Puget Sound. It's what is causing the annual dead zone at the mouth of the Mississippi River which kills MILLIONS of living creatures. One of the primary causes of nutrient pollution is failing septic systems.

Your raw sewage is not going into a failing septic system, it's going into a seepage pit where it clearly leaks out onto the beach. That green algae on the rocks in front of your home is from human sewage. I have often discussed with my manager about whether I should report the clear violation of you living in a sub-standard and illegal dwelling unit with no septic system. I've not done so because you seemed like a kind and caring individual struggling to survive. Struggling to survive just like many of Seattle Shellfish's Mason County based employees who you say are "feeding your (my) pockets with greed."

It seems very ironic that you say you love the Sound and its creatures while your raw sewage is contributing to the most critical problem the Sound faces and in the process killing so many of the animals you say you love. One of the biggest things our "species has done" is foul our waters. *

I know you love the sound and where you live, but I am struggling to come up with a reason why the Sound would be better with you living next to it the way you do. I hope you will call and give me one.

Sincerely,

Jim Gibbons
236-0462 ext. 104

*Water quality records from WS Dept. of Health show no problems with water quality or bacteria in this area. There is no evidence of human sewage seeping from a pit and leaking onto the beach. Also, it is incorrect to imply that Hood Canal is dying because of sewage. The bigger problem in Hood Canal is the nitrogen loading from the proliferation of Alder trees after the area was logged of its native coniferous forests over a century ago. Shellfish aquaculture, especially mussel rafts, contribute significantly to

nitrogen loading and low dissolved oxygen levels in the water column which can result in fish kills nearby. In Chesapeake Bay, the excess nutrients are primarily from upland agriculture, cattle and chicken farms, plus the fact that the Bay has been stripped of 99 percent of its native oyster reefs. The dead zone at the mouth of the Mississippi River also comes primarily from agriculture. None of these problems are relevant to South Sound in this case. Bacteria can present a health risk to humans from the consumption of shellfish, but bacteria itself does not kill shellfish or aquatic species. In fact, in some cases declining native shellfish have recovered when natural bacteria levels have reduced the stress of harvest on populations. - CISA-

Citizen's Notice to vacate premises after reporting sand dollar removal by Seattle Shellfish, below.

20-DAY NOTICE TO TERMINATE TENANCY

DATE 4-13-10

TO: BRENDA BLYZE et al
8710 SALTY DR NW
OLYMPIA WA 98502 Unit No _____

You and each are hereby notified that you are to vacate your unit and surrender all keys by:

DATE 5-15-10 TIME 5:00 P.M.

Should you elect to move out earlier, you may be refunded any rent paid but not used. You will also receive your full deposit less any costs for cleaning, repairs, or processing as stipulated by your rental agreement. As such, please call landlord or manager as to the exact date of your move to facilitate any rent credit that may be approved.

Also, please remember to leave all keys along with your forwarding address for processing of your rental deposit.

SPECIAL INSTRUCTIONS: _____

Thank you for your compliance.

NOTE: Per RCW 59.12.030, failure to vacate within the stated period will result in unlawful detainer action against the occupants, and subject same to eviction and money judgement as provided by law (including removal of all parties from the premises by the sheriff).

LANDLORD/MGR ~~EXIT REALTY BOARDWALK~~ PHONE 360-956-9555
KANDICE CLARK

POSTING - DATE 4-13-10 TIME 5:00 P.M.

