

Email from Laura Hendricks, Coalition to Protect Puget Sound Habitat, to Mr. Jim Brittain , Director of Special Investigation , Washington State Auditor's Office

Date: Wed, 9 Jul 2008 08:41:11 -0700

From: "Laura Hendricks" <laura.l.hendricks@gmail.com>

To: brittaig@sao.wa.gov

Subject: Taylor Illegal Use of Totten State Aquatic Land and the Removal of Shellfish Evidence

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.timothy@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>, "Doug Sutherland" <cpl@wadnr.gov>,

"Jay Manning" <Jaym461@ecy.wa.gov>, "Jeff Koenings" <Koenijpk@dfw.wa.gov>,

"Dicks, David" <david.dicks@psp.wa.gov>, Kathleen.drew@gov.wa.gov,

"Kleeberg, Chuck" <ckleebe@co.pierce.wa.us>, kruppd@co.thurston.wa.us,

"David Bricklin" <Bricklin@bnd-law.com>, larry.raedel@dnr.wa.gov,

rich.doenges@dnr.wa.gov

Mr. Jim Brittain

Director of Special Investigation

Washington State Auditor's Office

Dear Jim,

Your interest in the Taylor Shellfish illegal use of State aquatic lands in Totten Inlet case is appreciated by our Coalition to Protect Puget Sound Habitat citizens.

Monday, our coalition emailed Larry Raedel, DNR Chief of Law Enforcement, requesting he immediately conduct a site investigation at the Taylor Totten Bush Callow area where DNR had admitted that "there are some areas of state-owned aquatic lands that are occupied with unauthorized geoduck and oyster cultivation." Citizens were relying on the letter from the State Auditor dated June 4 2008 that stated: "We were informed by the Department (DNR) that the company (Taylor) has stopped planting additional shellfish and has ceased harvesting activity on the area in question until the boundary issues are resolved." This language is very clear that **no shellfish**, not just geoduck are to be removed from the state lands area in question.

According to Totten residents, Sunday Taylor began harvesting a limited number of bags of oysters off the state lands area. Monday and Tuesday Taylor began removing large numbers of oyster bags from the state lands that is clearly beyond Taylor's Bush Callow parcel as identified by the survey stakes and is the "area in question." We have attached photo documentation of this removal of evidence on those days.

During several conversations on Tuesday, Mr. Raedel, Chief of DNR law enforcement, stated that he had not been made aware by DNR Aquatic staff that there was a problem on state lands in Totten. After I asked him when he was going to investigate the Taylor illegal site, he stated that Rich Doenges had left the following message: Rich was aware of what was happening in this Totten area, that he and Taylor had worked out that the oysters could be moved to other private tidelands because the oysters were getting too big, that the situation was under control and that the AG and Taylor were working on proper procedures.

Mr Raedel was very cooperative and offered his assistance if an investigation was requested by DNR Aquatic staff. We discussed that I had initially requested that Fish and Wildlife enforcement investigate this case and F&W said it was not their jurisdiction.

I cannot think of a phrase that adequately describes our disbelief in how the DNR Aquatic staff continues to handle this case of illegal use of public lands by the largest shellfish company in Washington. The public is expected to believe that the oysters just on the "unauthorized" state lands portion of this Taylor operation got too big in the last few days and needed to be immediately removed from the illegal site. There is no evidence that anyone from DNR has conducted an on site inventory of oyster bags or planted geoducks before oysters were being harvested and bags were moved by barge.

I have included the following two RCW links that clearly pertain to this case:

1. Link 1: Unintentional or intentional wrongful taking of shellfish from public lands calls for double and treble damages.
2. Link 2: "Aquatic lands that are under deed or contract from the state that are currently being used by a private property to harvest or cultivate geoduck must be surveyed." Since Bill Dewey (Taylor spokesman) and DNR both testified for HB 2819 that allowed all farmed shellfish, not just oysters on Bush Callow lands, they cannot plead ignorance of this law now.

Our coalition has been concerned for some time that DNR has not monitored or prohibited the illegal use of state lands by shellfish companies. Once illegal activities were proven, DNR Aquatic staff continued to be more concerned about the welfare of Taylor Shellfish then preserving the evidence to calculate the debt owed to the state. Not only have these Totten residents endured the long time unusual preference DNR has given to Taylor, but many citizens at Harstine Island and Anderson Island public meetings questioned why DNR Aquatic staff seemed to be so closely aligned with Taylor at every step. We request 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.

Citizens greatly appreciate the State Auditor's assistance in this matter as they really do not know who else they can turn to for protection of their areas of Puget Sound.

Sincerely,

Laura Hendricks **Coalition To Protect Puget Sound Habitat**

Link #1:

<http://apps.leg.wa.gov/RCW/default.aspx?cite=79.135&full=true#79.135.030> relates to double (unintentional) and treble damages (intentional) requirement.

Link#2:

<http://apps.leg.wa.gov/RCW/default.aspx?cite=79.135&full=true#79.135.140> relates to survey requirement.







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