

Summary of NPS Deception and Falsification of Scientific Data

Despite a rich legislative history of support for continuing the 80-year old oyster farm in Drakes Estero within Point Reyes National Seashore, today the National Park Service (NPS) and its supporters are pursuing a political agenda to get rid of the oyster farm.

In contrast to what NPS and their supporters have told the public, removal of the oyster farm is not mandated by any act of Congress, including the Point Reyes Wilderness Act.

NPS and their supporters are asking Interior Secretary Salazar not to renew the Drakes Bay Oyster Company (DBOC) lease in 2012. In accord with NEPA, NPS is preparing an Environmental Impact Statement on the oyster farm for Secretary Salazar.

In the absence of a strong legal case, back in 2007, the Park turned to science to bolster its predetermined agenda in an effort to show that the oyster farm is causing environmental damage to the estero. The facts are clear: removal of the farm is not compelled by scientific data showing environmental damage – there are no such data showing harm. That hasn't stopped NPS from making up such data.

Below is an example in which the Park Service falsified soundscape data on noise measurements of oyster farm boats and equipment, claiming that they were so noisy that they were disturbing wildlife. They used numbers from other equipment (Jet Skis and highway construction equipment) from 3,000 miles away, and from 16 years ago, to claim it was from the oyster farm, and contemporaneous. This is scientific misconduct.

1. The draft Environmental Impact Statement (DEIS) released by NPS in September 2011 had a major section on the soundscape. The DEIS claimed that oyster company boats and onshore equipment are loud and disturbing wildlife.
2. Falsified data were included in Table 3-3 of the soundscape section in the DEIS.
3. Noise measurements from a Kawasaki 750 cc 2-stroke 70 HP Jet Ski at 2 ft were represented as if they came from a DBOC 4-stroke 20 HP oyster boat at 50 ft.
4. Jet Ski noise measurements taken 3,000 miles away and 16 years ago were misrepresented in the NPS DEIS as if they came from a DBOC motorboat.
5. Noise measurements from heavy Federal highway construction equipment were represented as if the data came from DBOC onshore oyster equipment.
6. Rivet-buster noise measurements were misrepresented in the NPS DEIS as if they came from a DBOC oyster tumbler with a 12 volt electric motor.
7. The DEIS contains false conclusions based on the falsified data in Table 3-3.
8. NPS employees revised the legend and labeling of Table 3-3 between the June 2011 non-public version of the DEIS and the September 2011 public version in such a way as to intentionally deceive the public and peer-reviewers. In the June version of the DEIS, NPS acknowledged the data were estimates from other

sources, but in the September public version of the DEIS, they deleted those words and citations and instead said the numbers were “*representative.*”

9. NPS deceived one key reader—peer-reviewer Dr. Christopher Clark of Cornell.
10. NPS deceived another reader—Scientific Integrity Officer Dr. Ralph Morgenweck.
11. NPS deceived the public, and remained silent as others cited these false data in mass mailings, on web sites, and in interviews as a reason to eliminate DBOC.
12. Although Congress mandated that the National Academy of Sciences should review the science in the DEIS, the Park had their DEIS reviewed by a contractor.
13. The contractor (ATKINS) had the soundscape data reviewed by Prof. Christopher Clark from Cornell University.
14. Dr. Clark concluded “*that there is ample acoustic scientific evidence by which the DEIS can determine that DBOC noise-generating activities have negative impacts on both the human visitor experience and the seashore’s wildlife.*”
15. Dr. Clark found the NPS data “*compelling.*” He concluded: “*The scientific evidence presented leads me to conclude that this DEIS is robust, and that its recommendation for Alternative A is substantial and justifiable.*”
16. Dr. Clark was deceived – intentionally – by the NPS with data from a Kawasaki Jet Ski and heavy construction equipment 3,000 miles away and 16 years ago.
17. Dr. Clark thought the data in Table 3-3 were from DBOC’s 20 HP motorboat. He had no idea they were from a 1995 report on noise measurements of a Kawasaki 750 cc 2-stroke Jet Ski along the New Jersey shore.
18. Dr. Clark thought the data in Table 3-3 were from DBOC’s onshore equipment. He had no idea they were from a 2006 report from the Federal Highway Administration on noise measurements of highway construction equipment.
19. The owner of the oyster farm commissioned an independent acoustic engineer (Dr. Steffel from ENVIRON) to make real measurements of his equipment. Those measurements are anywhere from one to three orders of magnitude lower than the false numbers used by the NPS (from 12X to 825X lower). This report was given to NPS in early December, but NPS never shared it with Dr. Clark.
20. After seeing the source of the data he was shown, and the ENVIRON data, Dr. Clark wrote on Wednesday March 21, 2012 that he does “*not believe that these activities have a biologically significant impact on wildlife ...*”
21. Dr. Clark was asked to review the science in an Environmental Impact Statement. After seeing the source of the data vs. the real data, he changed his conclusion from a finding of negative impact to no significant impact on wildlife.
22. There is a pattern of deception by NPS in their use of science at Drakes Estero.

- a. In 2007, NPS claimed oyster feces from the oyster farm in Point Reyes National Seashore were clogging the sediments and harming eelgrass. In reality the data were from a published 1955 paper from Japan. NPS deceived people using data from **5,000 miles away** and 50 years earlier.
 - b. In 2011, NPS claimed that acoustic measurements of oyster boats and equipment showed a major impact. In reality the data were from New Jersey State Police measurements of Jet Skis from 1995 and Federal Highway Administration road construction equipment from 2006. NPS deceived people using data from **3,000 miles away** and 16 years earlier.
 - c. Both times NPS claimed data were from Drakes Estero. Both times the data were from far away, and from many years ago, and had nothing to do with DBOC and Drakes Estero. This is a repeated pattern of deception. False claims were made. Data were falsified. The public was deceived.
23. On April 27, 2009, President Obama made a historic address to the National Academy of Sciences (the first President to do so since John Kennedy). He said:
- “... scientific integrity has been undermined and scientific research politicized in an effort to advance predetermined ideological agendas. ... we are restoring science to its rightful place.”*
24. Three year later at NPS, they apparently haven't gotten the message. At PRNS, a predetermined political agenda is driving false science. While there have been numerous examples from 2007 to present, many have involved statistics and complex data. The use of 1995 noise measurements from a Jet Ski to claim they are 2011 measurements of an oyster boat 3,000 miles away is a clear example. It is a metaphor of NPS behavior over the past six years.
25. A Kawasaki 750 cc 2-stroke 70 HP Jet Ski is not a 20 HP 4-stroke oyster boat. Substituting one for the other was audacious. It was blatant. It was falsification.
26. A case for scientific misconduct was filed with Secretary Salazar on March 26, 2012. The Secretary was asked to investigate the allegations that unnamed NPS and Vanasse Hangen Brustlin (VHB) employees were involved in writing, revising, and reviewing the soundscape section of the DEIS and in doing so committed scientific misconduct. They intentionally deceived the public.
27. The letter to the Secretary also asked him to direct:
- a. ATKINS to publicly withdraw their peer-review report;
 - b. NPS to publicly withdraw their DEIS;
 - c. Interior and NPS to cancel the Vanasse Hangen Brustlin contract.

We have heard the chorus about noisy oyster boats disturbing wildlife. NPS and VHB employees knew that they had no such acoustic data, and so they substituted data from a loud Jet Ski from the New Jersey shores.

Surely it is time to put a stop to this repeated pattern of deception. Millions of dollars of taxpayer money are being spent to deceive the public, and to fool you. In February 2011, Secretary Salazar stated:

“Because robust, high quality science and scholarship play such an important role in advancing the Department’s mission, it is vital that we have a strong and clear scientific integrity policy.”

Unnamed NPS and VHB employees violated the policy. It is time for decisive action to show the public that the Secretary meant what he said when he issued his Scientific Integrity Policy. It is time to bring this taxpayer-funded pattern of deception to a halt.

Dr. Morgenweck, Interior’s Scientific Integrity Officer, commissioned the ATKINS peer review of the DEIS *“in recognition of high interest in the science related to Point Reyes.”* He quoted in the DOI press release as saying: *“The peer-review accomplished exactly what we were seeking – that is, specific recommendations on how to improve the final environmental impact statement to make it a better science product.”* To the contrary, the falsified data and intentional deception has made a mockery of the NEPA process.

Both NPS and VHB employees were involved in writing, revising, or reviewing the soundscape section. It was audacious to fill Table 3-3 in the NPS DEIS with falsified and intentionally deceptive data. Both NPS and/or VHB employees were involved in the revisions that took place between the June 2011 non-public version of the DEIS and the September 2011 public version of the DEIS. The legend and labeling of Table 3-3 were intentionally revised so as to deceive the public. Key words were changed; descriptions of the sources for sound estimates deleted.

These actions are consistent with a motivation to deceive the reader, and indeed one key reader, Prof. Christopher Clark (Cornell, the peer-reviewer of this section) was deceived into believing that the NPS data were from DBOC.

The fact that these key data were falsified leads to the question of what other data in the NPS DEIS were falsified by NPS and/or VHB employees, and what other sections are biased and prejudiced? If NPS and VHB employees would falsify the soundscape data, then the public cannot trust anything else they have produced. We must assume that the entire document is biased and prejudiced, and thus reject it.

Given the seriousness of the falsified data in the soundscape section of the DEIS, and the involvement of multiple NPS and/or VHB employees in this deception, the entire DEIS must be viewed as tainted and biased and thus needs to be withdrawn. Clearly, neither NPS nor VHB can be trusted to produce a fair and honest EIS document. NPS and/or VHB employees committed scientific misconduct while producing the NPS DEIS.

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