

November 7, 2012

From: Dr. Corey S. Goodman

To: Cicely Muldoon, Superintendent, Point Reyes National Seashore, NPS

Re:

- (1) Notification that a misconduct complaint was filed with Department of Commerce OIG against Dr. Ragen and his MMC Report on Drakes Estero;
- (2) Notification that the misconduct complaint includes evidence that Superintendent Muldoon and Dr. Becker were complicit and participated in this misconduct; and
- (3) Request that NPS refrain from falsely citing the MMC Report as an independent peer-review in the final EIS, refrain from falsely citing the Becker et al. 2011 paper conclusions as valid in the final EIS, and retract the Becker et al. 2011 paper.

Dear Superintendent Muldoon,

This letter serves to notify the National Park Service (NPS) that on November 7, 2012, a misconduct complaint against Dr. Timothy Ragen, Executive Director, Marine Mammal Commission (MMC), was filed with the Department of Commerce Office of the Inspector General (DOC OIG). The complaint alleges that Dr. Ragen violated MMC policies, rules, and guidelines, the Federal Freedom of Information Act (FOIA), and the MMC Scientific Integrity Policy. This complaint alleges:

- Publicly Dr. Ragen claimed to be transparent, inclusive, and to support equal access, and to be independent, unbiased, and without conflict, but
- Privately Dr. Ragen was dependent upon NPS, exclusive, biased, and conflicted, giving NPS inappropriate access, privilege, and veto power including
 - Access to documents not provided to other parties,
 - Ability to critique work of other parties without disclosure or comment, and
 - Power to not respond to questions and not participate in open discussions.

As a result of Dr. Ragen's inappropriate actions, the MMC Report was:

- Not an independent review of NPS science as claimed by MMC, and
- Not a legitimate independent peer review of the draft EIS as claimed by NPS.

Dr. Ragen deceived the public, the press, elected officials, and all parties involved by privately allowing NPS to review itself, while publicly claiming that the MMC Report represented an independent review of the NPS science. While purporting to be transparent, fair, inclusive, and independent, Dr. Ragen failed to disclose his inappropriate relationship with NPS. Dr. Ragen went to great lengths not to disclose his private bias – apparently breaking FOIA regulations by withholding key communications.

This letter also serves to notify the NPS that the misconduct complaint filed with the DOC OIG contains evidence that several NPS staff and scientists, including but not limited to PRNS Superintendent Cicely Muldoon and PRNS scientist Dr. Ben Becker, were both complicit and active participants in Dr. Ragen's misconduct, including knowingly accepting inappropriate access to documents not provided to other parties.

Dr. Ragen and the involved NPS participants allowed the NPS to assert that the MMC Report served as an independent peer review of the NPS harbor seal section of the DEIS when it was anything but independent. That assertion allowed NPS to omit the harbor seal section of the DEIS from the Atkins Peer Review Report, thereby eliminating the possibility that Atkins scientists would find fault with that section. By his actions, Dr. Ragen empowered the NPS to secretly review itself, and to deceive the public.

In summary, Dr. Ragen's conduct was inappropriate and unethical. The NPS conduct was equally inappropriate. NPS employees were complicit and active participants throughout a MMC review process that was anything but independent. Dr. Ragen established a public process with a veneer of fairness, balance, and independence, while his private activities subordinated that independence to the very entity being investigated and reviewed – the National Park Service.

It is clear that there were two faces to Dr. Ragen, one public and the other private, and similarly two faces of NPS Ms. Muldoon and Dr. Becker, one public and the other private. Dr. Ragen and NPS employees deceived the public to believe that the MMC review and MMC Report was independent. Superintendent Muldoon and other NPS employees similarly deceived the public to believe that the MMC Report was independent.

Given the information provided in the misconduct complaint, I have three requests of NPS.

First, given the fact that the MMC Report was not an independent peer-review of the NPS Becker et al. 2011 paper, and was not an independent peer review of the harbor seal section of the draft EIS, I ask NPS to refrain from citing it as such in your final EIS.

Second, given the fact that Dr. Becker's analysis (Table 2) in Dr. Ragen's June 17, 2012 letter (and further analysis in Appendix to the complaint) revealed a lack of statistical support for the Becker et al. 2011 paper (something Dr. Becker has known for many months), I ask NPS to refrain from citing the Becker et al. 2011 paper in the final EIS.

Third, given the fact that Dr. Ragen's June 17, 2012 letter contained new analysis from Dr. Becker showing that there is no longer statistical support for either causation or correlation as claimed in the Becker et al. 2011 paper (see Appendix to the complaint), I ask NPS to notify the journal, retract the paper, and notify the public.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Corey Goodman', written in a cursive style.

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