



## FOR IMMEDIATE RELEASE

### **NPS Supporters Misrepresent Scientific Facts in Letter to Interior Secretary**

*Science and Environmental Impacts Come to Fore at Ninth Circuit Court of Appeals Hearing*

**Inverness, California, May 20, 2013** — A rebuttal was filed today with Interior Secretary Jewell in response to a letter to the Secretary on May 16 from Environmental Action Committee of West Marin (EAC) Executive Director Amy Trainer.

“In her letter to the Secretary, Amy Trainer misrepresented every report she cited,” said Dr. Goodman, who filed the rebuttal. “This is not a case about a difference of opinions. Rather, this is a case about the fabrication of facts and a cover-up.”

These misrepresentations were intended to blunt a scientific misconduct complaint filed with Interior Secretary Jewell on May 13 alleging that both the National Park Service (NPS) and U.S. Geological Service (USGS) knowingly fabricated harbor seal data in their reports. In the Final Environmental Impact Statement (FEIS), NPS claimed evidence of harbor seal disturbances by Drakes Bay Oyster Company (DBOC).

“The EAC continues to try to deceive the public and elected officials with misinformation,” said Dr. Goodman. “It is difficult for our community to have an informed and thoughtful discussion when EAC continues to put out statements that they know are incorrect and misleading.”

The so-called evidence of harbor seal disturbances by DBOC, as presented in the FEIS, was falsified. NPS based its claim upon analysis by an independent harbor seal behavior expert, Dr. Brent Stewart of Hubbs-SeaWorld Research Institute. But in contrast to what the NPS stated in the FEIS, Dr. Stewart twice found just the opposite, namely, no evidence of disturbances by DBOC skiffs.

This revelation has profound implications for Secretary Salazar’s decision to not renew the oyster farm permit, showing that USGS and NPS apparently misinformed Secretary Salazar using scientific claims

they knew were incorrect, and that the Department of Justice continues to use the same false science to misinform the federal court.

NPS and their supporters keep saying that the science isn't important in the federal court case, but that just isn't true. Last Tuesday, in the hearing in front of the Ninth Circuit Court of Appeals, the judges questioned both sides about whether the Secretary did or did not properly follow the National Environmental Policy Act (NEPA) in producing the Final EIS, and was properly informed by it for his decision concerning the DBOC permit.

"The FEIS claimed evidence for harbor seal disturbances by DBOC based upon the analysis of an independent expert, but only after the Secretary made his decision, did we realize that the expert – Dr. Stewart – found just the opposite," said Dr. Goodman. "Just recently we learned that USGS went back to the expert a second time, asked him if he changed his mind, and again he came back with the same finding. USGS and NPS covered it up."

The lawyers defending Interior tried to argue that the Secretary did not violate NEPA, but their arguments, as many in the courtroom knew, were inconsistent with the facts. After two years of insisting the he would follow NEPA, in the final days, the Secretary abandoned NEPA. Nevertheless, in his decision memo, the Secretary wrote that the DEIS and FEIS "have informed me ... and have been helpful to me in making my decision."

Dr. Goodman once again requested that Interior Secretary Jewell convene a blue-ribbon panel of independent scientists to investigate the allegations that USGS and NPS personnel intentionally misrepresented the findings of the independent expert concerning the oyster farm at Point Reyes.

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