

[History of False Science about DBOC](#)

2006: First false claim published by NPS. Point Reyes National Seashore (PRNS) staff scientist Dr. Sarah Allen, lead author of PRNS publication “Drakes Estero, A Sheltered Wilderness Estuary” reports oyster farm operations are harming the ecology of the estero and begins a campaign to shut down the historic operation. The agency has no evidence for these allegations.

The fraudulent Sheltered Wilderness report appears to have been a response to the May 18, 2006 Point Reyes Light article *Drakes Bay Oyster Farm Has Little Impact On Estero*. The evidence for this is reported by Dave Mitchell [in this must-read story about the early history of the Drakes Bay Oyster Farm tragedy](#). (Mitchell is former editor and publisher of the Point Reyes Light, which won the Pulitzer Prize in 1979 for Mitchell’s story on the Synanon cult. We are grateful that his important early work about NPS mistreatment of Drakes Bay Oyster Farm is still available online.)

April 2007: New false claims published by NPS. Dr. Sarah Allen (PRNS staff scientist), Jules Evens, and John Kelly write and publish an article in the local newspaper, the Point Reyes Light, entitled “Coastal Wilderness,” saying “The natural ecological processes in Drakes Estero have been degraded by oyster operations.” “Research has identified oyster feces as the primary source of sediment in the Estero, and this sediment smothers native species.” “Eelgrass beds ... are especially vulnerable to oyster operations. Oyster racks prevent eelgrass beds from establishing and degrade existing beds by over-shading the substratum increasing sedimentation...” “This year, hundreds of oyster bags are located on harbor seal pupping sites and seal presence there has dropped dramatically.” No evidence of these claims has ever been presented.

May 2007: Secret Cameras installed by NPS. PRNS scientist Allen and Superintendent Neubacher place the first two covert cameras focused on key harbor seal haul-out area and DBOC oyster bag area to gather data on whether oyster boats and workers are disturbing harbor seals. Cameras take photos once per minute, every day from 7am to 7pm during seal pupping season. 281,000 photos are taken from 05/05/07 TO 06/10/2010. The program lasts three years before discovery by Dr. Goodman, an outside scientist reviewing the NPS scientific “findings.” The covert camera operation shows no harm to harbor seals.

May 2007: Goodman consults California Department of Fish and Game, the controlling authority for the Estero. Tom Moore is the CDFG State expert on the oyster farm in Drakes Estero, has spent a quarter of a century overseeing the oyster farm on behalf of the State, and is (in 2007) overseeing the current DBOC lease. Moore reports to Goodman that from 2005 - 2007, Seashore personnel never notified him, or to his knowledge, Lunny, about data or claims of alleged impact on harbor seals. Moore remarked that if this was such an emergency, then why wasn’t he or DBOC notified, shown the data, and directed to adhere to existing protocols or take steps to modify their operational protocols? Moore assures Goodman that DBOC continues to follow protocols established originally in 1992 by NMFS and NPS, and that nothing changed in 2007. The oyster bags, Moore said, were placed at the same locations as they had been for decades. Oyster bags, he said, were NOT placed in nursery areas, and were NOT displacing seals.

May 8, 2007: Marin County Board of Supervisors Hearing. Independent scientist Dr. Corey Goodman, and NPS personnel, present testimony before the Marin County Board of Supervisors in a hearing requested by the supervisors. NPS provides unsubstantiated claims that DBOC harms eelgrass, fish, and harbor seals, based on its inaccurate “Sheltered Wilderness” report.

May 11, 2007: County Supervisors vote unanimously to request that Senator Dianne Feinstein intervene on behalf of DBOC to request that the Park Service cease its false claims.

July 21, 2007: Senator Feinstein conducts meeting at Olema. The Senator brings together Marin County Supervisor Steve Kinsey, NPS Director Mary Bomar, NPS Regional Director Jon Jarvis, Superintendent Neubacher, DOI Solicitor’s Office attorney Molly Ross, independent scientist Dr. Corey Goodman and oyster-farm owner Kevin Lunny. At the meeting, Lunny shows a map of the oyster operation that has been secretly altered by NPS to bolster its false claims. During the meeting, Superintendent Neubacher denies having made threats against Lunny. Supervisor Kinsey publicly corrects the denial, reminding Neubacher of a meeting with Kinsey and aide Liza Crosse, where Neubacher showed them his oyster farm “War Room” and stated DBOC committed “environmental felonies” and that work on DBOC permits was halted. Kinsey reminds Neubacher that he had claimed overwhelming evidence for ecological harm warranting extreme measures that would include civil and criminal action and that Lunny should expect jail time. Neubacher remains silent while Kinsey confirms these threats towards DBOC by Neubacher made in April 2007.

Jarvis confirms that PRNS was about to issue a rebuttal against Goodman’s May 8 and May 29 documents and that it included a “review and validation of the NPS Drakes Estero Report.” Jarvis stated the PRNS had sought review of the report and Goodman’s reports from “nine outside scientists” and that a PRNS rebuttal report would be forthcoming. Most reviewers turned out to be NPS employees or sympathizers from environmental groups.

Senator Dianne Feinstein persuades NPS Director Bomar to take the false NPS Drakes Estero Report off the Park Service website and insists NPS not release its own new report. Instead, Senator Feinstein requests an independent review of NPS science at Point Reyes.

July 21 - 22, 2007: Dr. Goodman reports scientific misconduct. Dr. Corey Goodman, an elected member of the National Academy of Science, exposes scientific misconduct in his document “A Case of Scientific Fraud: A pattern of intentional misrepresentation of science by the PRNS in its claims of negative impact of the oyster farm on Drakes Estero,” is submitted July 21 to DOI Solicitor Ross that day and to Regional Director Jarvis on July 22.

October 2007: NPS Misleads California Coastal Commission with altered map. California Coastal Commission Staff Scientist Dr. John Dixon said to Kevin Lunny of DBOC that he (Dixon) never looked at the NPS database, never collected his own data, but that he had relied on the NPS data. Dixon made recommendations were based on a doctored map. The boundary of the haul-out and pupping sites on the altered NPS map that was provided to Dixon was different from the map given to Lunny in ‘05 by Allen. Allen has continuously monitored the harbor seals from 1973 to present. No changes in Allen’s database suggested any moves of seals yet Neubacher and Allen drew a new map, gave it to Dixon to influence his recommendation, and withheld it from Lunny and Moore (then of CDFG).

October 23, 2007: DBOC letter to Neubacher regarding altered map. Asks when and why

new map altered boundary created, why the map was undated and if any documentation existed to support the new boundary.

November 2007: Goodman submits case for Scientific Misconduct to DOI Inspector General. DOI refuses to consider the misconduct case, responding that they do not have scientists, could not consider scientific misconduct, but hoped NRC/NAS (scientific review board) would do so.

November 2007: Neubacher response to DBOC inquiry regarding altered map. As to why the map was undated, Neubacher responded that it was created as an insert to the April 13 and April 26 Trip Reports. As to when it was created, Neubacher responded that the PDF was created on April 27. As to why the boundary was drawn as it was, Neubacher responded the map represented fluctuations in harbor seal haul-out areas. As to whether any documentation existed to support the new boundary, Neubacher responded "NO FORMAL DOCUMENTS EXIST. THE CHANGE WAS MADE BASED ON FIELD OBSERVATIONS AND EXPERT OPINION." As to why it was not provided to DBOC, Neubacher responded that it was not provided because it was simply part of the Trip Reports.

The original maps (NMFS, and NOAA in collaboration with NPS established the 1992 map and Allen reaffirmed it to DBOC in 2005) were based on 70 years of commercial oyster farming, and three decades of Allen's professional observations of harbor seals. NPS had over 25 yrs mapping the harbor seal haul-out areas in Drakes Estero, but altered it supposedly on April 27, without supporting scientific data, with altered boundaries that differed from 1992 and 2005 maps, and did not provide it to CDFG or DBOC. THIS IS SCIENTIFIC MISCONDUCT AS DEFINED BY THE 1992 NAS COSEPUP PANEL AND BY THE 2000 OSTP FEDERAL POLICY

December 11, 2007: ABC7/KGO news reveals NPS had NO SUPPORTING DATA for claims. Ken Miguel of ABC7/KGO disclosed on the evening news that he had evidence that NPS charges against the oyster farm were false. Miguel reported on an email (dated April 24, 2007) he had obtained through the Freedom of Information Act (FOIA) from the NPS. In the email, Sarah Allen wrote to Joe Cordaro of the National Oceanic and Atmospheric Administration, with a copy to Seashore Superintendent Don Neubacher, that as of April 24, 2007, the park service had "no direct observations" of the oyster farm disturbing the harbor seals. This email proves Allen and Neubacher knew they had no data throughout April and leading up to their May 8th false testimony and fabricated reports. Senator Dianne Feinstein said to ABC7 news "If the Park Service did in fact manipulate data, this is a serious matter, which should result in disciplinary action."

December 12, 2007: Goodman case submitted to OSB. At the request of the NRC, Goodman submitted his report to the Ocean Studies Board panel to investigate NPS science concerning Drakes Estero, NRC, NAS, documenting serious scientific misconduct on the part of NPS officials and scientists. Click [here](#) for details.

December 18, 2007: Goodman case submitted to NRC/NAS at request of NRC. Neubacher's and Allen's scientific misrepresentations include fabrication, falsification, and selective omission of data. - the data on Drakes Estero are from NPS, USGS, CDFG, and UC DAVIS, were commissioned by NPS, were funded with Federal dollars, and the data are in an NPS harbor seal database. The NPS misrepresented the facts, and in some cases made them up. THIS IS SCIENTIFIC MISCONDUCT AS DEFINED BY THE 1992 NAS COSEPUP PANEL AND BY THE 2000 OSTP FEDERAL

POLICY. NRC/NAS responded they would not comment on misconduct. Misconduct was deemed to be outside scope of study.

April 2008: National Academy of Sciences investigation begins.

May 2008: Marine Mammal Commission investigation begins.

July 11, 2008: DOI investigation finds NPS misrepresented science and violated federal regulations. DOI Inspector General Investigative Report finds NPS “misrepresented” NPS science. Findings include intentional fabrications and deliberate omissions by Neubacher and Allen (violation of Sections I.1 and I.2 of OSTP Federal Policy on Research).

September 4, 2008: Flawed NPS report Becker 2008 presented at NAS panel meeting. Dr. Ben Becker present Becker 2008 report to NAS panel meeting in which NPS scientists claim that increasing oyster harvest leads to increasing disturbances to harbor seals, and this in turn leads to fewer harbor seals. Report is seriously flawed, withdrawn and rewritten three different times. Sixteen months after NPS made claim against DBOC of 80% decline in seal pups, and having previously refused to answer questions of how NPS derived this claim, Dr. Becker, and later, Neubacher and Jarvis gave three different explanations. THIS IS SCIENTIFIC MISCONDUCT AS DEFINED BY THE 1992 NAS COSEPUP PANEL AND THE 2000 OSTP FEDERAL POLICY.

January 19, 2009: Goodman submits 28-page scientific misconduct case to NPS. Goodman alleges NPS committed misconduct in documents and presentations NPS gave to NRC/NAS.

February 3, 2009: NRC FORWARDS Goodman letter of misconduct to Interior Secretary Salazar. Secretary Salazar never responds.

April 27, 2009: Goodman letter regarding NPS misconduct resubmitted to Secretary Salazar. Secretary Salazar never responds.

May 1, 2009: Goodman uncovers NPS secret cameras. Anonymous Briefing Statement turns up: “NPS Response to Goodman’s January 18, 2009 Letter to NRC,” provided to NPS Regional Director Jon Jarvis, not provided to either Goodman or NRC. Letter includes notation about covert camera operation.

May 5, 2009: NRC finds NPS guilty of misrepresenting science. Report from the National Research Council finds National Park Service “selectively presented, over interpreted, or misrepresented available scientific information on DBOC operations by exaggerating the negative and overlooking potentially beneficial effects” no significant impact from oyster operations, recommends moving forward with cooperative adaptive management approach. NPS claims to agree.

Ironically (given the as-yet-undisclosed secret camera program), the Academy recommends time-and-date-stamped photographs: “...the focus on these observations...would require a data collection system that could be independently verified, such as time and date stamped photographs. This verification is especially important in circumstances where there is an indication of a source of disturbance that could lead to a regulatory action, as was the case with disturbances attributed to DBOC.”

May 10, 2009: Goodman resubmits letter of scientific misconduct by Jarvis to Secretary Salazar. Letters alleging scientific misconduct by NPS Regional Director Jon Jarvis submitted to DOI Secretary Ken Salazar. Salazar never responds.

July 1, 2009: OSB Final Report: No Evidence of Harm. Shellfish Mariculture in Drakes Estero, Point Reyes National Seashore, California, Committee on Best Practices for Shellfish Mariculture and the Effects of Commercial Activities in Drakes Estero, Pt. Reyes National Seashore, California Ocean Studies Board Division on Earth and Life Studies NATIONAL RESEARCH COUNCIL OF THE NATIONAL ACADEMIES THE NATIONAL ACADEMIES PRESS Washington, D.C.
["...the committee concludes that there is a lack of strong scientific evidence that shellfish farming has major adverse ecological effects on Drakes Estero..."](#)

July 8, 2009: DOI IG receives case for scientific misconduct. 20-page case for scientific misconduct submitted to DOI IG, contained 13 specific allegations, included 21 point case previously submitted to and unanswered by Secretary Salazar, with citations to rules, laws, and regulations violated.

July 10, 2009: Jon Jarvis appointed Director of NPS

July 14, 2009: Unsupported report Becker 2009 published. Becker, Press and Allen publish a paper in Marine Mammal Science journal ([Becker 2009](#), a revised version of Becker 2008 presented at NAS panel meeting the previous year). This revised report claims harbor "Annual Mariculture related seal disturbance rates increased significantly with increases in oyster harvest ... We conclude that a combination of ENSO and Mariculture activities best explain the patterns of seal haul-out use during the breeding/pupping season at the seal haul-out sites closest to oyster activities." THIS IS SCIENTIFIC MISCONDUCT AS DESCRIBED IN THE 1992 NAS COSEPUP PANEL AND 2000 OSTP FEDERAL POLICY.

July 24, 2009: DOI assistant IG concludes investigation after looking into just one of thirteen claims. DOI Assistant IG Dupuy reports to Secretary Salazar's office that it received Goodman complaint one week earlier on July 15. IG focused only on first of 13 specific allegations, that Jarvis was involved in secret non-public July 27, 2007 version of the Drakes Estero Report and concluded "We have completed an inquiry into this allegation and we have found no evidence to support this complaint." Dupuy relied on DOI report which misrepresented statements made by Tomales Bay Association's President, Ken Fox.

February 21 - 24, 2010: Marine Mammal Commission panel concludes seals and oyster farming are coexisting well. MMC panel of scientists reviewing harbor seals in Drakes Estero hold public meeting. MMC concludes seals in Drakes Estero are doing fine and seals and oysters are coexisting together under 1992 protocol. NPS Ignores MMC request NOT to conclude causality from their statistical correlations and to obtain correct data from Lunny. They never do.

June 6, 2010: Logs of secret camera program uncovered. Goodman discovers NPS has detailed logs of each of the 281,000 photos. The logs prove non-disturbance of seals by oyster boats. NPS'S FAILURE TO DISCLOSE THIS EVIDENCE IS SCIENTIFIC MISCONDUCT AS DEFINED BY THE 1992 NAS COSEPUP PANEL AND THE 2000 OSTP FEDERAL POLICY.

September 2010: MMC asks NPS not to publish Becker 2010. MMC head Dr. Ragen recommends to PRNS Supervisor Cicely Muldoon that NPS NOT PUBLISH the Becker paper at all. Ragen later assured Mr. Lunny that NPS would not publish the flawed paper, and certainly not before the MMC report was completed.

September 27, 2010: Secretary Salazar orders Scientific Integrity Policy. Secretary of the Interior Ken Salazar issues Secretarial Order [establishing a policy](#) to ensure the integrity of the science and scientific products used in the Department's decision-making and policy development: "Misconduct will not be tolerated. Allegations of misconduct will be investigated and disciplinary action will be taken as appropriate."

September 2010: EIS process begins. NPS makes UNSUBSTANTIATED CLAIM of necessity for Environmental Impact Statement. NPS claims an EIS is required before it can issue a Special Use Permit for continued oyster operations beyond 2012, despite significant public protest. The EIS is overseen by one of the same NPS scientists that presented unsubstantiated claims of harm to Harbor seals to the Marin County Board of Supervisors in 2007 and involved the authors of the debunked Sheltered Wilderness report and the multiple Becker papers.

October 2010: NPS submits Becker 2010 for publication. Contrary to Ragen's recommendation not to publish Becker 2010, the NPS submits Becker 2010 for publication without telling the MMC, and without waiting for the MMC review. Furthermore, the report is given a new title "Evidence for long-term spatial displacement of breeding and pupping harbor seals by shellfish aquaculture over three decades."

November 11, 2010: Goodman files formal complaint with Salazar. Dr. Goodman files formal complaint with Interior Secretary Salazar alleging NPS officials and scientists committed scientific misconduct by withholding key photographic data that contradicted their public claims from NAS and MMC review panels.

November 24, 2010: DOI Frost investigation begins. DOI directs Field Solicitor Gavin Frost, an attorney specializing in employment litigation, to conduct a fact-finding investigation.

January 24 & 26, 2011: Frost discloses initial results. In a telephone conversation on January 24 with Dr. Goodman, and then on January 26 with Lunny, Frost states to Goodman and Lunny that his report is nearly finished and he has concluded that multiple people committed scientific misconduct. Frost also states that the EIS is tainted by the same bad science and is using the same authors of the bad science. FROST IS NOT AWARE OF BECKER 2011 AND WILL NOT FIND OUT ABOUT IT UNTIL SEPT 15, 2011. Furthermore, Frost was never given a copy of the paper submitted for publication with title change to "Evidence for long-term spatial displacement of breeding and pupping harbor seals by shellfish aquaculture over three decades."

February 2011: Frost Report submitted to DOI

March 2011: Revised Frost Report released by DOI finds misconduct. The published Frost Report finds NPS guilty of misconduct, but categorizes that misconduct as "administrative," in contrast Frost's statements to Dr. Goodman and Lunny. A linguistic analysis indicates that the Frost Report was either heavily edited or written by more than one person.

Findings: Five NPS officials and scientists violated the NPS Code of Scientific and Scholarly Conduct. Words used to describe the NPS Scientists: "Bias, advocacy, belief, troubling mind-set, mistakes, mishandled data, acting improperly, willingness to allow subjective beliefs and values to guide scientific conclusions, misconduct and erring."

Biased scientists who were found to have mishandled data remain involved in the EIS.

March 2011 Senator Feinstein statement regarding Frost Report. Senator Feinstein challenges Interior Secretary Salazar to respond to severity of misconduct at Point Reyes; says Interior only admitted mistakes and not misconduct, failed to take decisive action. She asks Salazar how he is going to deal with what Frost describes as "collective but troubling mind-set" at Point Reyes. Feinstein writes: "It is critical to the integrity of the National Park Service and the Department of the Interior that you publicly disavow the practice of selectively misusing and misconstruing science to achieve a desired outcome. Whether it was intentional or because of personal bias, these practices must not be tolerated nor allowed to continue." The practices are tolerated and allowed to continue.

March 2011: New version of false seal study released: Becker 2011. Less than one month after the release of the Frost Report, NPS publishes Becker 2011, a revised version of Becker 2010 presented to MMC panel with a new and damning title. The new report claims causality in the title, asserting "evidence" shows that oyster farm has caused a spatial displacement of harbor seals in Drakes Estero. NPS SCIENTISTS BECKER, PRESS AND ALLEN, WHO ARE THE AUTHORS OF BECKER 2009, 2010, 2011 ARE THE SAME NPS SCIENTISTS FROST FOUND BIASED AND WHO WERE FOUND TO HAVE VIOLATED THE NPS CODE OF SCIENTIFIC AND SCHOLARLY CONDUCT. Becker 2011 is biased and has the same fatal flaws as Becker 2010 because NPS scientists failed to obtain the correct oyster farm activity data from Lunny EVEN THOUGH THE MMC PANEL ADVISED THEM TO DO SO. WHEN DBOC CORRECT DATA ARE USED, THE NPS CORRELATIONS WITH OYSTER FARM ACTIVITY REPORTED IN BECKER 2011 DISAPPEAR.

April 2011: NPS Director Jon Jarvis publicly contradicts Senator Feinstein. NPS Director Jon Jarvis appears on Bay Area public radio and contradicts Senator Feinstein's public conclusion of misconduct by saying that there was "no finding of scientific misconduct..." He did not even admit mistakes, errors, or bias. He said nothing of the "troubling mind-set at PRNS or of changing the culture. He said there was a "lack of public confidence" in PRNS and said he was focused on the ongoing EIS process and hoped to regain the public's confidence.

April 2011: DOI aquaculture partnership with DOC and NOAA. DOI pledges to partner with the Department of Commerce and NOAA to INCREASE US marine aquaculture, including shellfish.

August 2, 2011: Senator Feinstein calls for EIS delay. In a letter to Secretary Salazar, Senator Feinstein requests a one month delay in publication of the draft EIS until MMC can finalize its report, saying "...The Draft Environmental Impact Statement must incorporate the findings of a review of the Park Service's scientific work when it is in question especially given their history of misrepresenting science.... Not incorporating [it] would threaten the validity of the environmental review."

August 11, 2011: Bagley, Burton and McCloskey letter to Salazar. Former Republican Congressman, now Democrat, Co-Founder of Earth Day, Author of Endangered Species Act, 2006

Recipient of Sierra Club Edgar Wayburn Award, 2010 Recipient of Sierra Club Environmental Hero Award, author of 1976 Point Reyes Wilderness Act Pete McCloskey, and co-author of 1976 PRWA former democratic Senator John L. Burton and former California Democratic Assemblyman William T. Bagley send a [letter](#) to Secretary of the Interior Ken Salazar explaining the original intent was to protect and preserve the ranches, dairies and oyster farm when designing the PRWA.

September 9, 2011: Goodman alerts Ragen of Becker change. In Becker's response to MMC on June 16, Becker had changed a variable, which changes the analysis and the reason why Becker's Nov 7 analysis to come, did not replicate Becker 2011. Goodman provides detailed results of each model to Ragen.

Sept. - Nov. 2011: MMC Excludes Goodman, Lewis and Lunny from process. Beginning in early September and continuing through early November, MMC had extensive conversations and reviews with NPS and its supporters, but specifically excluded Goodman, Lewis, and Lunny. Ragen did not ask a single question or raise a single issue about Goodman's statistical analysis with Goodman or Lewis. Ragen did not share comments received from Harwood and Becker, and did not give Goodman & Lewis the opportunity to respond to Harwood or Becker.

September 15, 2011: Senate Commerce Subcommittee on Appropriations requests review of Becker 2011.

September 22, 2011: Draft EIS released. Despite requests to the contrary from Democrats such as Senator Dianne Feinstein, and three of the authors of the 1976 Point Reyes Wilderness Act, Pete McCloskey, John L. Burton, and William T. Bagley, NPS releases the dEIS.

October 20, 2011: Investigation initiated by House Oversight Committee Chairman Issa. Letter sent to Secretary Salazar from Darrell Issa, Chairman of House Committee on Oversight and Government Reform informs Salazar of Misconduct by NPS that may be "jeopardizing the right of a small business owner to operate in Marin County." Requested in the letter was all documentation by noon November 4 and the availability of certain personnel for "Transcribed Interviews" including Gavin Frost, Solicitor's Office of DOI, Jonathon Jarvis, NPS Director, Don Neubacher, Former Superintendent, Point Reyes National Seashore, Dr. Marcia McNutt, Science Advisor to the Office of the Secretary, Dr. Sarah Allen, NPS Scientist, Dr. Ben Becker, NPS Scientist and Cicely Muldoon, Superintendent, Point Reyes National Seashore. Investigation stalls, and as of this writing has not been completed.

November 22, 2011: MMC Report published. [Appendix F](#) makes it clear that all of the MMC panelists (all scientists specializing in harbor seals) recommendations and opinions conclude the oyster farm is causing no harm and can coexist, yet Executive Summary claims otherwise. Neither MMC nor NPS Becker appear to have conducted the statistical review of the Becker 2011 paper as directed by the Senate Commerce Subcommittee on Appropriations requested on Sept 15.

December 2011: Kayaking firms disavow negative comments attributed to them by NPS. Three local kayaking firms issue a statement to the public that the draft EIS issued by the Park Service "misrepresents the wilderness experience that we have consistently encountered over the years and that we have been misrepresented within this section of the impact statement." The statement explains "During our many kayak outings on the estero, the "soundscape" of the

wilderness area has not been impacted by the noise of the farm. The use of power tools can be heard while one is on shore preparing to launch, but the noise quickly fades after leaving the shore in Schooner Bay paddling toward the potential wilderness area. While kayaking on Home Bay and Creamery Bay, any noise of farm operation is undetectable. Over many years of operating tours on the estero, we have never had guides or clients comment on the pneumatic drills negatively impacting their experience while kayaking or hiking within the estero.” Story [here](#).

The “soundscape” data in the EIS are later shown to have been fabricated, as reported [here](#). Dr. Goodman performs a [simple experiment](#) that easily refutes the fabricated findings.

March 2012: NPS releases raw comment data to public with misleading partial analysis.

The Preliminary Content Analysis report seems to support a press release issued by anti-oyster-farm activists claiming that 92% of the public supports removal of the oyster farm. In fact, 92% of the comments are non-substantive form letters, created by a mass-mailing of these same activists. In the final EIS, issued months later, the actual Content Analysis Report makes it clear that these non-substantive form letters were not actually included in the official analysis. Drakes Bay Oyster supporter Sarah Rolph, who did the analysis that uncovered the form letters, wrote an [Amicus brief](#) about this in October 2013.

December 2012: Salazar visits oyster farm briefly, conducts “Stakeholder Meeting” with anti-oyster-farm activists. Lunnys are given one half hour of the Secretary’s time. Lunny supporters told they must share the half-hour visit at the oyster farm. Then Salazar is ushered to a private “Stakeholder Meeting” at NPS Point Reyes headquarters; only anti-oyster-farm activists are allowed to attend.

December 2012: FEIS issued illegally. In December of 2012, just a few days before Secretary Salazar made his decision not to renew the DBOC permit, the NPS Final Environmental Impact Statement is quietly issued without fulfilling the required legal process. There is no 30-day public-comment period, as required by law, nor is there a Record of Decision published, nor is the FEIS filed with the EPA, as the process requires. The document is published on the NPS website without note of these shortcomings, creating the impression that the NEPA process was adhered to.

December 2012 - Present: NPS obfuscation regarding FEIS and Salazar decision. In December 2012, Secretary Salazar declines to renew the DBOC permit and issues a public statement implying he has taken into consideration all relevant documents and policies, citing FEIS. Decision claimed to comport with policies, but no policies are cited. Secretary Salazar’s memo of decision specifically claims that the FEIS was not formally relied on. Yet lawyers for DOI argue in court that the oyster farm causes harm because of FEIS “evidence.”