

# Oyster War Error List

Errors, Omissions, and Distortions in *The Oyster War* by Summer Brennan

Page 1                    “a reporter covering the war between oysters and wilderness”

As of this writing the Drakes Bay Oyster controversy has extended to over 120 months. Brennan claims to have direct knowledge of the situation based on the 5 months she spent in West Marin in 2012, working for the Point Reyes Light. During her summer at the Light, Brennan wrote over 40 features and obituaries. Only 5 stories were about Drakes Bay Oyster Company. During this same period, the Light published 4 stories about DBOC bylined “Light Staff.” Brennan was not covering the story in the sense she implies. If it had been her beat, or a serious part of her job, one would expect her to have visited the oyster farm at least once during her summer in West Marin. She did not, even after Kevin expressly invited her in an email in July 2012.

Page 9                    Brennan claims that an oyster worker given the pseudonym “Oscar” was fired after taking her for a ride in an oyster boat. Nobody was fired. Hugo, the worker who took Brennan out on the boat, quit his job at the oyster farm and went to work for Dave Evans in West Marin. He now lives in Reno, not in Mexico still looking for work as reported at the end of the book. One phone call would have yielded this information. Instead, Brennan wove a tale around an assumption. The whole story of the boat tour is highly fictionalized. According to Hugo, in the account he gave to the farm managers at the time, Brennan told him she was authorized to accompany him, when she plainly was not.

Page 18                    Drakes Bay Oysters were “hearty and often quite large, with an overpowering creaminess.” They came in all sizes and were usually described as very briny. [See Rowan Jacobsen.](#)

Page 18                    “Chefs say they are better cooked than raw.” Highly unlikely. Who supposedly said this?

Page 52                    Here and in many other places, Brennan falsely claims that there were never any native oysters in the area. NPS used a similar argument for similar reasons—when the NAS panel pointed out that one benefit of oyster farming overlooked by the park service is that the farmed oysters provided ecological services, which made up for the native oysters that would have been there had they not been overharvested roughly 100 years ago, NPS pushed back with the assertion that the historical numbers of native oysters were lower than had been assumed. Brennan is the first to claim there were never ANY native oysters, and the claim is absurd.

Page 65                    Fred Smith seems to be a key source. He is presented as an important person in the story, with a detailed, sympathetic portrayal. Brennan fails to disclose that she is friends with him. She also fails to report the one significant interaction Smith had with the oyster farm: sending a letter to the water board about alleged pollution at the oyster farm—false charges that were immediately dismissed. Fred Smith left EAC in 2010, four years before the shutdown of the farm. Yet he is presented as if he is the key EAC figure; the work of Amy Trainer, who was in fact the key anti-oyster-farm operative at EAC for the crucial years of 2010 - 2014, is barely mentioned.

Page 79                    This passage uses Fred Smith’s thoughts from several years ago to imply that the

ranches are ecologically unsound, and that they don't belong in a national park unit.

*"But as he drove through the Point Reyes National Seashore's pastoral zone, he was shocked by what he saw. Farms! Industry! Inside a federally protected natural area! Many of the Seashore ranches seemed to be in poor ecological condition, and in a national park! "Why is the park allowing this?" he thought. If things here were handled the way they were in other national parks, Fred thought, if some of the Point Reyes ranches didn't clean up their act, it was only a matter of time before they would have to go."*

No facts are provided to substantiate this insinuation that the ranches need to be cleaned up.

Page 95 Brennan writes that Ralph Mihan "surveyed the situation" and his "opinion was guided by the Wilderness Act." Unless Brennan interviewed him, and there is no indication that she did, we don't know what Mihan did, we only know what the letter says. The letter is suspicious because it differs from everything else in the public record. Mihan was a field solicitor, a local NPS lawyer, someone Don would have easy access to. Do field solicitors make policy? Do they even discover policy, normally? Here, as in every other case we studied, Brennan takes the NPS narrative at face value; that's an odd pattern for a so-called journalist.

Page 120 Brennan writes that Drakes Estero was labeled potential wilderness "to be sorted out later." That's not what the legislative history shows. Brennan seems to have decided "potential wilderness" is the same as "wilderness." That's not the case.

Page 121-126 Brennan conflates John Burton and Phillip Burton into one person. It is former Congressman John Burton who wrote the Point Reyes Wilderness act. His brother, former Representative Phillip Burton, was involved in the GGNRA. (Brennan never refers to John Burton, and on page 126 refers to the wrong Burton when she writes *"The idea of 'potential wilderness' was first used by Congress in 1976, the year that the Point Reyes Wilderness Act was passed. It was very much in Burton's style..."*) Phillip Burton died in 1983. John Burton is alive and is the current chair of the California Democratic Party.

Page 128, 129 The passage about Congressman McCloskey is surprisingly disrespectful and implies that he is senile. He is not.

Brennan distorts Congressman McCloskey's involvement in a way that makes it sound like he supported the oyster farm only as an individual, and solely out of personal preference. She writes that Congressman McCloskey "has come out and said that the intention was always to have the oyster farm stay in operation. He's written letters on the farm's behalf..." and says that he "uses the presence of the ranches to support the notion" that the oyster farm was meant to say. This is not a "notion," it is a fact of legislative history.

Congressman McCloskey spelled this out in a letter to then-Secretary Salazar, which was co-authored with former Congressman John Burton and former Assemblyman Bill Bagley. Representative Burton was the lead author of the 1976 Point Reyes Wilderness Act. Bill Bagley wrote the 1965 bill that transferred ownership of waters surrounding Point Reyes to the National Park Service. All three of these men remembered that the oyster farm was expected to stay at the time the Seashore was formed, but they did not rely on memory, but also researched the issue for ten weeks. [As was reported](#) in the Point Reyes Light in August 2011, the letter "cites numerous

archival documents and testimonies—including statements by former National Park Service Director Conrad Wirth, the Sierra Club and former Assistant Secretary for Fish and Wildlife Nathaniel Reed—that the authors contend collectively prove the legal precedent for the continuation of oystering in Drakes Estero.”

This letter was widely reported in the media because of its importance. Brennan fails to mention it. The letter is not even included in her extensive bibliography.

Page 163 Brennan writes that Kevin Lunny was shown the Mihan letter before the sale was final. This is false, and echoes the NPS/EAC false narrative. Even the government has now acknowledged that the Mihan letter was not provided to the Lunnys until after the purchase and cleanup. Brennan was informed of this by Peter Prows, a member of the Lunny legal team. He told her via email on February 7, 2015 (in response to her mass email to oyster-farm supporters, which she claims nobody responded to):

*“The original 1972 contains a renewal clause that says it may be renewed by special use permit for so long as the oyster farm had a valid state water bottom lease — the term is substantially similar to the renewal clause that the other ranchers have been living under for decades. Let me know if you need a copy of the RUO*

*The Lunnys have told their version of the events leading up to the oyster farm purchase many times, including Don Neubacher’s encouragement. Their most recent thing was an opinion piece in the Light from this summer, Keep On Shucking.*

*Salazar’s memorandum makes clear that the Lunnys weren’t told the lease wouldn’t be renewed until after they bought the farm. He acknowledges they bought the farm in 2004, and says they weren’t told that the renewal clause wouldn’t be exercised until 2005.*

*There’s lots more out there on this, but frankly it’s kind of irrelevant once Congress passed Section 124 specifically to override NPS’s (incorrect) position that the lease couldn’t be renewed. Yet in denying the lease renewal, Salazar thumbed his nose at Congress and said, despite this new law authoring him to renew the lease, it would still be against the law to renew the lease. That always was, and still remains, nonsense.”*

Pages 165-166 “A small number of pre-historic Olympia oyster shells were found inside shell middens near the estero, i.e. the Olympias, but carbon dating has revealed that those shells varied in age between 1,200 and 2,200 years old—more on that later. These scant shell samples could have come from the estero as living oysters, perhaps during a time when conditions were different, or the shells themselves could have been traded from tribes living further north, where the native oysters were known to be abundant.”

Brennan misunderstood (or is misrepresenting) the purpose of the study. The Sonoma State researchers sampled the bottom of the middens, carbon-dating the oldest oysters, because their purpose was to determine the age of the middens. It was not an oyster study. The middens are loaded with oyster shells. They are not “scant.”

The bottom line: native oysters have been in Drakes Estero going back several thousand years.

Page 169 Brennan repeats NPS Superintendent Don Neubacher's slander that Kevin "is not good with money" without any further comment, much less refutation, and doesn't supply any context.

Page 170 Brennan refers to a version of the Elliot-Fisk paper that says the tunicate *D. vex* was "likely introduced through oyster farming." Brennan lets this stand even though it is not true. She later points out correctly that the tunicate needs a substrate to grow, and that oysters supply one, but doesn't point out that the tunicate is a nuisance everywhere, or that the tunicate also clings to rocks, ropes or any other hard surface. The tunicate is believed to move around the world in ballast water and has invaded the temperate regions of the oceans - globally. The tunicate was NOT "introduced" by the farm.

Page 171 Concerning the invasive tunicate, the author writes: "over the years their presence only increased." As Dr. Goodman has pointed out in court filings based on the scientific literature, there is no evidence to suggest that the tunicate has increased over the past decade.

Page 177 Brennan quotes from Sarah Allen's April 26, 2007 Trip Report (without giving the date or title) as if it were fact: "She also wrote about the presence of a white boat with two people in it, poling through an eelgrass bed. When the boat went by a group of seals, all but one of the animals flushed into the water." Brennan fails to mention that Dr. Goodman has presented evidence that this report was fabricated. The evidence clearly shows that the boat in Allen's description uses a path the oyster boats never took (as documented in the 300,000+ NPS secret camera photos, a DBOC boat never once took this route), that the engine on the oyster boat was broken on this date, that the area where the boat operators were allegedly poling through eelgrass is actually deep water where propeller fouling is impossible, and that at the time of the supposed sighting the workers had long since clocked out (time and date stamped) and gone home.

Page 178 The author fails to report the false claims made by Sarah Allen and Don Neubacher in May 2007 at a meeting of the Marin County Board of Supervisors. That meeting is described in the book, and Brennan quotes Sarah Allen as saying: "*The damage of the commercial oyster operations on Drakes Estero is more easily documented, because the park service has over twenty-five years of continuous monitoring data from Drakes Estero.*" The Park Service didn't actually have 25 years of data; Brennan provides a rationalization — in Brennan's view, it was good enough that Sarah Allen had been studying seals for that long. Brennan then discusses a different aspect of the dispute.

In fact, the most important statement by Sarah Allen at that 2007 meeting was this: "*Over the past few weeks we have documented oyster operations disturbing mothers with pups and oyster bags left on sandbars where seals would normally give birth and nurse their pups. The harm is resulting in abandonment of one area where more than 250 seals, including 100 pups 2 years ago occurred in that spot, this year chronic disturbance and placement of bags on the nursery area has caused an 80% reduction in the seals dropping to around 35 this last Saturday. I was out there on Saturday.*"

Those charges were false, and they have been proven to be false. Evidence obtained via FOIA shows that even Sarah Allen did not think she had any evidence for those claims. The false charges made their way to NOAA, which would have been very concerned had the claims been true; when NOAA asked Allen for the evidence, she wrote back explaining it did not exist. Allen's false statement, as

well as others, was later retracted by the Park Service. All this is a matter of public record. None of it is reported by Brennan.

Page 181 Feinstein suddenly appears: “but then Senator Feinstein got involved” and immediately she “called a private meeting in Olema” ; Brennan writes that “afterwards, at her request, the Sheltered Wilderness report was taken off the NPS website and replaced with an acknowledgement of errors.”

This passage is an enormous oversimplification that omits the key facts. The Marin County Board of Supervisors formally voted to ask Senator Feinstein to intervene because of serious malfeasance on the part of the NPS. Before deciding to get involved, she asked her staff to look into the matter. Following months of research and investigation, Senator Feinstein’s office found that the park service was lying about the science, the law, and the history. The Senator did not get involved for political reasons, as the book implies.

Page 181 Brennan neglects to mention that a few weeks after the July 21, 2007 Olema meeting (the meeting requested by Senator Feinstein), Jarvis did give Goodman the Park harbor seal database (as the Senator had requested), and his analysis showed that there was indeed an 80% decline, precisely as Gordon Bennett, EAC, and NPS/Don/Sarah had described it numerically, but that this decline occurred at Sandbar A, far away from the oyster lease and oyster boats. There were no oyster bags at all. The likely cause, as shown in the NPS’ own harbor seal monitoring database, was a sudden connection of the sandbar to the mainland, and the resulting disturbance by both predators and park visitors. Allen retracted the 80% claim (using an unconvincing excuse) at the MMC meeting in February 2010.

Page 182 The discussion on this page makes it sound as if Kevin signed the agreement with the surrender clause. He did not. The book omits the key fact that Senator Feinstein and Mary Bomar, then NPS Director, forced Jarvis to remove that surrender clause, and that the removal of that clause is the reason Kevin signed the agreement.

Page 184 Brennan writes of the National Academy of Sciences panel tasked to evaluate the scientific data about oyster farming in Drakes Estero: “The committee, dubbed the Committee on Best Practices for Shellfish Mariculture and the Effects of Commercial Activities in Drakes Estero, Pt. Reyes National Seashore, California, included scientists from academic institutions in Oregon, Washington, Rhode Island, Virginia, Massachusetts, Connecticut, Southern California, Ireland and Scotland. The committee was to be overseen by a number of professionals, including scientists from the Monterey Bay Aquarium Research Institute and the Woods Hole Oceanographic Institution, but also representatives from Boeing and Exxon Mobil.”

This is apparently a reference to two members of the Ocean Studies Board (OSB), JAY S. PEARLMAN, The Boeing Company (ret.), Port Angeles, Washington and MARY (MISSY) H. FEELEY, ExxonMobil Exploration Company, Houston, Texas. The makeup of OSB is not relevant to the study. These board members did not “oversee” the project. That notion seems to have been introduced to support the author’s ideological bias against industry and to support the NPS/EAC/Sierra Club attack on the NAS. Both Brennan and these activists have worked hard to obfuscate the fact that the 11 marine ecologists assembled by the NAS, after 15 months of investigation, found no environmental problem with continuing the oyster farming in Drakes Estero.

Page 188            Brennan writes that people didn't see why the oyster farm "couldn't be lumped in with" the Pastoral Zone. Here again, she ignores the well-documented legislative history; it was "lumped in" originally. There is clear evidence of this, yet Brennan dismisses the argument without even presenting it.

Page 193            Brennan writes that Kevin told the media he knew the park did not plan to renew the permit. While there is one published interview that seems to quote Kevin saying this (in *Marin Magazine*, mentioned elsewhere in the book), in most interviews he made it clear that he was first given the Park's blessing to purchase the farm, then he cleaned it up, and only then did Superintendent Neubacher begin to claim that "his hands were tied" and the farm's permit could not be renewed. (This happened at roughly the same time the character assassination campaign began.) Because there is no written record of these early discussions, Brennan reached out to longtime Lunny supporter Sarah Rolph to learn whether Kevin had ever been told he might be able to keep the farm past 2012. Sarah made a good-faith effort to explain exactly what Kevin did and didn't think, know, and believe in these early years, yet Brennan seems to have purposely disregarded it, and in the book, has misrepresented what Rolph said. See [Rolph's letter to Brennan](#) for details.

Page 194            Brennan quotes Kevin as saying "It wasn't a proposal, it was a bankruptcy proposal." This out-of-context quote suggests that Kevin's primary concern was financial. That is not the case. The real issue is that it was a sham offer. Had the author interviewed Senator Feinstein she might have learned that the Senator was extremely angry about having been lied to about this purported offer of a Tomales Bay opportunity that turned out not to exist.

Page 194            Brennan writes that "the park's wildlife cameras show that (what appeared to be) one of the DBOC boats was indeed present in the estuary when the company's records indicated that it wasn't. The workers did not always follow the rules." These are serious charges - and both false - yet the book provides no evidence for them. The so-called wildlife cameras that Brennan is referring to here were NPS secret surveillance cameras trained on the oyster beds that were monitoring oyster boats and oyster workers. The NPS did make the claim that the photo Brennan refers to showed what "appeared to be" a DBOC boat. This accusation was in an NPS document entitled "Clarification of Law and Policy". When examined, the photo captured two kayaks, not an oyster boat. Here, again, Brennan repeats a false claim that the public record shows is false.

Page 194            Brennan writes that "Details were starting to warp and change." The implication seems to be that the oyster farm supporters were shading the truth. Yet the examples given don't support this implication at all. Historians tell us that commercial oyster farming in Drakes Estero began the 1930s, which is roughly eight decades ago. Some reports used the more flowery "almost 100 years" or "almost a century," sometimes to indicate that informal farming is believed to have taken place before the commercial oyster farms. This is a normal level of inaccuracy, not an attempt to deceive. Similarly, the varied reports of 30 to 60 percent of California oysters are a function of whether one is referring to oysters consumed or oysters grown, and depends on the year or years being referenced. The 30 to 60 percent range is entirely accurate.

Page 195            Brennan writes, "In May, the NAS report came out in earnest. It found that Sheltered Wilderness had in some instances selectively presented, over interpreted, or misrepresented available scientific information on DBOC operations by exaggerating the negative and overlooking potentially beneficial side effects." Brennan then goes on to say "However, other

than the fact that Sarah Allen has misreported Roberto Anima's findings, the main argument made by the NAS was itself fatally flawed."

To make her case that the Academy was wrong, Brennan claims to refute the Academy's argument that farmed oysters replace the ecosystem services once provided by native oysters, using her novel theory that there never were any native oysters. Even if that were true, it would be beside the point, because the replacement of ecosystem services is not the report's "main argument" (an odd way of putting it; scientists report findings, they don't make arguments).

The actual key finding of the Academy's report is that there is no evidence of any substantive negative environmental impact from oyster farming. Brennan, astonishingly, omits this.

Page 197 "In July 2009 Dianne Feinstein authored a rider" - no context is provided for this. The implication is that it was political favoritism, which is most definitely not the case. What Brennan fails to report is that NPS had argued (falsely) that it did not have the authority to extend to permit, so the Senator gave them that authority.

Page 198 Brennan writes "supporters of the oyster farm failed to make a distinction between the pastoral zone, which did not have any kind of wilderness designation, and the estuary, which did. Either you respected the wilderness designation of Drakes Estero, or you didn't." Drakes Estero was designated "potential wilderness." Brennan seems to purposely conflate "potential wilderness" with "wilderness" - yet there is a significant distinction. Professor Laura Watt, whose academic thesis is on the management of Point Reyes National Seashore, has studied this issue and written extensively about it. Brennan completely ignores Laura Watt's work. Brennan also omits the legislative history that supports the continuation of the pre-existing use of oyster farming in Drakes Estero within wilderness.

Page 198 "Meanwhile, Drakes Bay Oyster Company was violating the Coastal Act by refusing to sign necessary permits, racking up fines in the tens of thousands of dollars." This is highly misleading.

The Coastal Commission and the NPS were working very closely together. At first, all seemed to support the Lunny involvement at the oyster farm. Later, the Coastal Commission appeared to team up with NPS against the Lunnys. The Coastal Commission's harassment of the Lunnys led to a lawsuit, which the Lunnys won. The Commission's inappropriate enforcement orders (based on many of the inaccurate NPS assertions) were overturned and the Commission was found guilty of abuse of power.

Page 228 "As soon as a rider was passed NPS was tasked with producing an EIS with which to help Ken Salazar make his verdict." Tasked by whom? This is a key point. Many knowledgeable observers believe NPS did not need to produce an EIS in order to provide the new permit. Who decided to invoke NEPA? Why did Brennan bury that question, instead of raising it?

Page 229 The book's discussion of the Draft Environmental Impact Statement fails to substantively discuss the controversy over this document, which raged during the summer of 2012 when Brennan was in West Marin. The book presents no information about the serious flaws in the document, the proven falsehoods that are the subject of formal misconduct complaints, the process irregularities, the fact that it is not actually a legally valid document, or any of the other

controversial issues that consumed West Marin when Brennan was in town writing local interest stories.

The draft EIS was so badly flawed that Congress asked the National Academy of Sciences to review it, and the academy provided serious criticism of the document, including the lack of a proper baseline. NEPA guidelines dictate that one baseline be used to compare the proposed actions. Remarkably, this EIS uses TWO baselines. This EIS improperly used the proposed (unknown) future removal of the farm as one of its baselines and the actual current condition and activity as the second (correct) baseline. The NPS selectively switched baselines to make the continuation of the same shellfish growing activity appear to have new impacts. The NPS refused to correct this abuse of NEPA in the final draft of the EIS that was provided to Secretary Salazar.

It is entirely inappropriate to make two different sets of comparisons, as the second NAS report spells out. That second NAS review is not even mentioned in Brennan's book, much less discussed, although she wrote a news story about it when she was at the Light.

Brennan also fails to mention the explosive fact that EIS contains falsified scientific data. This was reported in a [Newsweek article in January 2015](#), when Brennan was still gathering information for the book. The Newsweek story is especially notable because the scientist whose data was falsified, Brent Stewart, went on the record about the data falsification, which is certainly scientific misconduct. Yet Brennan ignores all this and sketches a tale in which the only scientific misconduct here is in Corey Goodman's imagination.

Page 232 Brennan writes that the MMC panel members "did not agree on everything." This is very misleading. One thing the scientists did agree on is that there is no reason to be concerned about the seal population in Drakes Estero, since it is nearing its carrying capacity. Again, Brennan echoes the NPS/EAC criticism of the experts charged with the evaluation of environmental consequences of the oyster farm, experts who found no reason to stop oystering in Drakes Estero, a fact Brennan seems to have worked hard to omit.

Page 233 Brennan writes that "Ragen would eventually respond to Corey with a letter of his own." Implies that this is the only time Ragen responded to Dr. Goodman. In fact there was a lot of back-and-forth between Goodman and Ragen during the time of the MMC work. Six months later, Ragen wrote this letter. It was almost certainly created specifically to make Goodman look bad to the NAS panel at Irvine; Neal Desai, National Parks and Conservation Assn., sent it to the panel at the last minute.. Brennan wrote a story about this while she was at the Light; her story reads like a hit piece on Goodman—it's not clear whether she intended this, or was misled, but it is clear that she never looked into it again, and relied on her 2012 understanding of the situation when she wrote the book, rather than checking again with Goodman. She never interviewed Goodman for the book. Ragen was discredited over this and left the MMC; a complaint has been filed against him. All of this context is missing from the book.

Page 233 Dead baby seals are mentioned and described but the reader is given no idea how they fit in to the story, if indeed they do.

Page 235 Brennan writes, "After all, it was still unknown what made seals choose or abandon particular areas, and how deeply or not they could be affected by a 'disturbance'." This is



incorrect. In fact, both marine mammal scientists and oyster farmers know quite a lot about this.

Page 235 Brennan writes that there were “ten instances of disturbance of seals by oyster boats in nine years.” This is not true, and it is shocking that it would be presented without a source or citation. This a very odd way for a so-called journalist to handle a central aspect of the dispute.

Page 235 [Appendix F](#) of the MMC report is said to have “confusing and conflicting information.” There is nothing confusing about the information in Appendix F, nor is the information there conflicting. It does conflict with the implication in the executive summary that there is some reason to believe the Becker paper showed a real correlation, but it’s that implication that’s incorrect, not the material in Appendix F.

Appendix F contains the verbatim reports of the marine mammal scientists who served on the MMC panel. Every single one of these reports says that the seals are obviously fine – the seal population in Drakes Estero is so large that the place is reaching its carrying capacity. The scientists also point out that the Becker paper wasn’t designed to find what it says it found, and that Harbor seals are well known to habituate to human activity.

Page 243 Brennan writes that Don’s letter to the Bank of Oakland was about a loan to “cover the cost of bringing things up to code.” Don’s letter to the bank clearly states that this was for “new facilities.” What is Brennan imagining the money was going to be used for, if not the new facilities?

The book presents a convoluted argument that the new processing plant and visitor center was never expected to be built. It is difficult to understand from the passage what is actually being argued here. She seems to be saying that Tom Johnson had these plans drawn up in order to buy time. She quotes from the Environmental Assessment conducted for the project in a way that emphasizes that the project was necessary to bring things up to code, but implies that this means something other than what the EA was very obviously about, the construction of a new visitor center and processing plant. The bank loan papers described the new facilities as approved by NPS in the EA. Brennan rests her case with a strawman argument: “The proposed renovations were not part of a grand, park-generated plan to build a gleaming new oyster-based visitor center.” Nobody ever said they were. That doesn’t mean the Seashore wouldn’t have gone along with the plan, after having issued a FONSI, if someone had come up with the money. It seems much more straightforward to infer they would have. And if they didn’t support the plan, it hardly seems likely that Don would have written the support letter to the bank for the new facilities. Brennan doesn’t even mention the FONSI, or the substance of the EA. The whole story is told so as to support her hypothesis that the plans were created just for show. She makes no attempt to include all relevant facts, nor did she interview the relevant people.

Page 251 Brennan says she agrees with the “dangerous precedent” argument and says the choice to keep the oyster farm would be “reversing wilderness designation.” This argument is only possible because she conflates “wilderness” with “potential wilderness.” Brennan ignores the many clear explanations about how the “potential” designation was actually used (the point was to protect the working landscapes, including the historic oyster farm). Brennan ignores the fact that the oyster farm pre-existed the 1964 wilderness act that blocks new development within wilderness. It does not require the dismantling of uses that pre-exist the act. Furthermore, this concept was specifically discussed by congress during the Pt. Reyes wilderness act where the authors of the bill agreed that

the oyster farm could continue in wilderness because it was pre-existing. What precedent would continuing the oyster farm create?

Page 251 Brennan noticed that the Frost report is rather harsh about the “informant” and implies this is evidence that Goodman did something wrong. Actually it’s evidence that the report was heavily edited by Neubacher and/or Jarvis—this has been documented.

Page 252 Brennan writes, “It seemed that the outrage over the state of research at the National Park Service had eclipsed the conversation about environmental policy, and supporters of the oyster farm had changed the conversation completely.” This is highly misleading. The supporters never changed anything, they always pointed out that NPS lied about science, law, and history. It’s the park service that kept changing back and forth between legal arguments and science arguments (“arguments” is putting it very kindly).

Supporters were not outraged over “the state of research at the National Park Service.” Supporters are outraged that park service officials at Point Reyes National Seashore knowingly leveled false charges against the oyster farm, purposely creating a false narrative with which to deceive the public and elected officials, and misrepresenting scientific studies—their own and those of others. Brennan doesn’t present any information that would allow the reader to understand this position. Instead she implies that the Park Service did nothing wrong and that the supporters made everything up.

Page 258 Brennan mocks Goodman’s Dance Palace presentation and misrepresents it by presenting a tiny sliver of his remarks. The passage is written in a way that implies Goodman doesn’t care about red-legged frogs, when his point was that it was absurd for the NPS to discuss potential danger to red-legged frogs due to the continuation of oyster farming given that there are no red-legged frogs anywhere near the oyster farm.

Page 258 Brennan downplays the substitution of jet-ski data for actual oyster-farm data, implies it’s the only error, brushes off EIS falsehoods as “much to critique,” and apparently did not even consider the possibility that those falsehoods were purposeful. There were months of public debate about these issues, and significant criticism, yet Brennan chooses not to present those facts.

Page 259 Brennan writes, “In November, Salazar flew out to California. He visited Point Reyes and Drakes Estero, spoke with the Lunnys and with their cattle ranching neighbors.”

This is highly misleading. Salazar met with the Lunnys at the oyster farm and anyone on the pro-oyster side including Steve Kinsey, scientists, etc., was required to be there for that meeting and no other and it all had to be jammed into *30 minutes*. Then Salazar was escorted to a meeting at the Red Barn, insultingly called a “stakeholders meeting,” that included *only the anti-oyster-farm activists*. [Phyllis Faber](#) tried to attend that meeting and was denied entry.

Page 261 Brennan implies that the “first domino theory” on eliminating the ranches is just paranoia and not based on anything. Brennan ignores the fact that Phyllis Faber went on the record in the Light about Don having told her this was the plan. Brennan doesn’t reference the Light story and didn’t talk to Phyllis.

Page 273 Brennan discusses the Keystone Pipeline bill to which Vitter added DBOC protection, but fails to mention that Vitter is from Louisiana, a major shellfish-growing state. She apparently doesn't realize the false science generated by the government is being used against shellfish growers.

Page 283 Brennan writes, "I wrote to Kevin repeatedly, asking him if I had gotten it wrong."

Brennan never asked Kevin, or anyone associated with DBOC, to fact-check a single fact, story, or representation.

Brennan claims that Kevin refused to be interviewed, and that she contacted him repeatedly. In fact, she contacted Kevin only twice about the book. On July 9, 2013, Brennan informed Kevin via email that she planned to write a book about the oyster farm but did not yet have a contract. She said she was coming to town and wanted to speak with Kevin, but she never arranged an interview or tour. Instead, she showed up near the workday's end, and bluffed her way onto an unauthorized boat trip.

The second and last contact was on January 14, 2015. At Brennan's request, on Kevin's behalf, DBOC media advisor Sarah Rolph had an email discussion with Brennan to try to work out interview details. Sarah offered Brennan an in-person interview, but Brennan refused. Instead, Brennan insisted on a Skype interview, and said she would send questions in advance. Even a Skype interview never occurred. Brennan's questions were never submitted.

In July 2012 Kevin invited Brennan via email to visit the farm and get a private tour of both the shore operations and the growing areas. Brennan never took Lunny up on the invitation. During the five months that she lived in Point Reyes, Brennan apparently never once dropped by the oyster farm. She never took the tour, nor did she interview the farm manager or any of the oyster workers. She never met Kevin Lunny; when she interviewed him for the Point Reyes Light she chose to use phone and email.

Page 283 Brennan writes that she wrote to the supporters about the arguments for the farm and "nobody was able to come up with anything." In fact, DBOC legal advisor Peter Prows did respond, and Sarah Rolph had already responded to a similar request. In both cases the information provided was ignored or misused.

Page 283 When asked by Brennan about Don Neubacher's early conversations with Kevin Lunny, Sarah Rolph spent the better part of a week discussing this with Brennan via email. It's a crucial part of the false narrative, and Rolph was hoping Brennan was sincere in wanting to get it right. Rolph told Brennan over and over again that there had been months of discussion, as described in Rolph's story about this in the *Russian River Times*. Rolph said to Brennan:

*"Kevin knew the permit expired in 2012, because he did his homework, and he knew that Don was worried about all the challenges because he had watched this all happen. Kevin knew that Don was considering a future non-renewal, because Don was open about that. There were months of discussion between Don and Kevin about the various challenges, the fact that the Coastal Commission was on the warpath, the potential for non-renewal, etc. Kevin made the very natural assumption that the possibility of non-renewal was driven by the problems and issues. It's a perfectly logical assumption given everything we know about this historic resource. Who would shut down a beloved historic oyster farm AFTER it had been cleaned up? Nobody imagined that in 2004."*

Brennan misrepresents what Rolph told her, leaving out all context, and writing only: “the message I got was that, No, nobody with NPS told Kevin he could renew *per se*.”

Page 285            Brennan writes, “I don’t think it’s a coincidence that the Koch-backed group chose to fund the fight.” What “coincidence” is being asserted? The implication here of shadowy interests is entirely absurd. Cause of Action is not “Koch-backed” nor did the group fund anything. Cause of Action is one of many firms that provided pro bono support. Brennan omits from her book any mention of the reason Cause of Action was engaged.

Cause of Action was engaged specifically to help the Lunnys and Dr. Goodman file a Data Quality Act complaint about the false science used by the park service. That 71-page DQA complaint is one of 5 DQAs lodged about this malfeasance. Two of those DQAs were filed by the Point Reyes Light, the newspaper for which Brennan worked for five months. Not one of these complaints is mentioned in the book, or even in the extensive bibliography. Cause of Action is presented as if it were an ideological ally, when nothing could be further from the truth—this group was selected strictly for its expertise in DQA filings, and its work product was top notch. Given that this book is being marketed as non-fiction, Brennan’s choice to omit all of these relevant facts is highly inappropriate.

Page 285            Brennan claims that the removal of this farm did not threaten others. That is incorrect. As has been made clear by East Coast Shellfish Association president Bob Rheault, among others, shellfish growers are disturbed that the government has published false claims about harm to the environment from oyster farming—this misinformation could have a chilling effect on future oyster-farm licenses.