



For immediate release

NPS and USGS Falsified Finding of Harbor Seal Disturbances at Drakes Estero

New Information Shows False Science Misinformed Interior Secretary Salazar for His Decision

Inverness, California, May 13, 2013 — A scientific misconduct complaint was filed today with Interior Secretary Jewell. This complaint was based in part on new information only made available this past week via both the Freedom of Information Act (FOIA) and from the independent scientist who did the harbor seal behavioral analysis for the National Park Service (NPS) and U.S. Geological Survey (USGS). The complaint, filed by Dr. Corey Goodman, concerns the NPS and USGS claim – shown to be false – that the independent scientist – Dr. Brent Stewart – found the oyster farm disturbed harbor seals at Drakes Estero, which he did not. The complaint alleges the public was deceived.

The new information shows that evidence of disturbances was falsified. 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.

The data in question are included in the NPS Final Environmental Impact Statement (FEIS) released in late November 2012. The FEIS alleges that oyster boats have a “moderate adverse impact” on the harbor seals at Drakes Estero, a claim the new information shows is not true. Around the beginning of 2012, NPS asked USGS to independently analyze the 300,000 photographs from secret cameras placed along the shore of Drakes Estero from 2007 to 2010. The USGS scientists picked 165,000 photographs from 2008 for their analysis. They sent all of the series of photographs that showed possible harbor seal disturbances to an independent harbor seal behavior expert, Dr. Brent Stewart of Hubbs-SeaWorld Research Institute.

Last May, Dr. Stewart filed his report that found “*no evidence of disturbance*” by the oyster farm, but USGS misquoted him and claimed he found two correlated disturbances, and the NPS FEIS further misrepresented both USGS and Dr. Stewart and claimed he found cause and effect, and with it, NPS found a moderate adverse impact. Two serial misrepresentations led a finding of “*no evidence of*

disturbance” by the independent expert to be transformed to a finding of causation of disturbances by NPS in its FEIS.

This past week, USGS released a series of emails in response to a FOIA request submitted in December 2012. Those emails show that USGS and NPS personnel believed that the analysis of the NPS photos had very high priority and was fast tracked to inform Secretary Salazar’s decision on the oyster farm permit. The emails also reveal that USGS personnel apparently briefed two Assistant Secretaries of Interior on July 3 to inform the Secretary’s decision. It appears the Secretary was briefed with false science.

In early December 2012, questions were raised concerning the USGS and NPS claims vs. the independent scientist’s findings. As a result, USGS personnel went back to the independent expert and asked him to re-review the NPS photographs. Dr. Stewart’s supplemental analysis, filed with USGS on December 10, 2012, shows that he confirmed his initial analysis, namely, the finding of no evidence of disturbances by the oyster farm. Up until this past week, Dr. Stewart’s supplemental analysis has not been made public.

Upon request from the office of Congressman Jared Huffman, Dr. Stewart provided this report to the Congressman’s staff nearly two weeks ago, and released those same documents upon request from Dr. Goodman this past week. This supplemental report, and the request and submittal emails, were not included in the USGS response to the FOIA request, raising questions as to whether USGS withheld the material in violation of FOIA, or alternatively, whether USGS personnel used private email addresses to circumvent FOIA. Regardless, this key document was not provided in response to the FOIA request.

“After receiving the supplemental report, the USGS should have retracted its own report, informed NPS that its FEIS contained major mistakes, and informed the Secretary that he was misinformed for his decision,” said Dr. Goodman. “But it appears as if none of this happened. Dr. Stewart’s supplemental report was suppressed, and with it, the evidence showing misconduct was covered up.”

Although Interior stated that the science was not important to the Secretary’s decision, the new documents paint a very different picture, one in which NPS was “*chomping at the bit*” for the USGS scientific analysis of the photographs because of the Secretary’s “*deadlines for deciding on the permit.*”

“NPS and their supporters keep saying that the science isn’t important in the federal court case, but that just isn’t true,” said Kevin Lunny, owner of Drakes Bay Oyster Company. “The Department of Justice lawyers have used these false science claims to argue that the public good favors removal of our oyster farm, and with it, the loss of 40 percent of the State’s oysters and 30 jobs.” The next hearing for the lawsuit in the Ninth Circuit Court of Appeals is scheduled for May 14, 2013.

Dr. Goodman 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 scientist concerning the oyster farm at Point Reyes National Seashore.

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