

	A	B	C	D	E	F	G	H	I	J	K
1	INVESTIGATIONS							Date	Point	Detail	Links
2	Oyster Farming at Drakes Estero							1800's	<b>Commercial oyster farming</b>	Commercial shellfish farming began in Drakes Estero, Miwok Indians farmed shellfish for hundreds of years prior.	<a href="http://www.drakesbayoyster.com/history/">http://www.drakesbayoyster.com/history/</a>
3								1817	<b>Dairy and Cattle Ranches</b>	Franciscan Missionaries introduce feral cattle.	<a href="http://www.nps.gov/pore/historyculture/people_ranching.htm">http://www.nps.gov/pore/historyculture/people_ranching.htm</a>
4								1817 +	<b>Land Grant Subdivisions</b>		<a href="http://www.nps.gov/pore/historyculture/people_ranching.htm">http://www.nps.gov/pore/historyculture/people_ranching.htm</a>
5								1857	<b>50,000 Acres acquired</b>	Law firm of Shafter, Shafter, Park and Heydenfeldt finishes acquisition of 50,000 acres	<a href="http://www.nps.gov/pore/historyculture/people_ranching.htm">http://www.nps.gov/pore/historyculture/people_ranching.htm</a>
6								1866	<b>Dairies</b>	CW Howard and Shafter brothers divide the remainder of their ranches into tenant dairy enterprise, subdivided into 33 ranches.	<a href="http://www.nps.gov/pore/historyculture/people_ranching.htm">http://www.nps.gov/pore/historyculture/people_ranching.htm</a>
7								1869	<b>Alphabet Ranches</b>	Dairies partitioned into 6 tracts. "The tenant ranches were rented by Irish, Swedish, Italian-speaking Swiss, and Azores Islands-Portuguese families. Surviving Coast Miwok families...The Shafter's envisioned creating a more civil society of the nineteenth century Bay Area, refining bachelor ranch hands and educating ranch family children. Chinese, Canadian, Filipino, Mexican and German immigrants all found their chance to get started in America through dairying at Point Reyes."	<a href="http://www.nps.gov/pore/historyculture/people_ranching.htm">http://www.nps.gov/pore/historyculture/people_ranching.htm</a>
8								1880	<b>Dairies of West Marin</b>	The grass growing in the fields on Monday is butter on the city tables the following Sunday, as the 1880 History of Marin County reported.	<a href="http://www.nps.gov/pore/historyculture/people_ranching.htm">http://www.nps.gov/pore/historyculture/people_ranching.htm</a>
9								1916	<b>NPS Mission Statement</b>	Organic Act's NPS Mission Statement "... to conserve the scenery and the natural and historic objects...", "... nothing in this Act contained shall affect or modify the provisions of the Act approved February fifteenth, nineteen hundred and one, entitled "An Act relating to rights of way through certain parks, reservations, and other public lands."	<a href="http://www.doi.gov/pfm/bur_annual_rpt/nps_1997_p_ar.pdf">http://www.doi.gov/pfm/bur_annual_rpt/nps_1997_p_ar.pdf</a>
10								1930's	<b>Effects of the Depression</b>	Ranchers augment income with livestock production, such as beef cattle, chicken, eggs...Japanese immigrants invited to cultivate peas, Italian immigrants artichokes	<a href="http://www.doi.gov/pfm/bur_annual_rpt/nps_1997_p_ar.pdf">http://www.doi.gov/pfm/bur_annual_rpt/nps_1997_p_ar.pdf</a>
11								1934	<b>CDFG Leases</b>	Aquaculture leases for shellfish in Drakes Estero and Limantour Estero	
12							1946	<b>Lunny Ranching on G-Ranch begins</b>	Lunny family begins dairy and ranching overlooking Drake's Estero		
13	JOHNSON'S OYSTER COMPANY ESTABLISHED							1957	<b>JOC estab.</b>	Johnson purchases oyster farm in Drake's Estero, Johnson's Oyster Company	<a href="http://www.drakesbayoyster.com/history/">http://www.drakesbayoyster.com/history/</a>
14								1960-1961	<b>Congressional hearings to establish PRNS</b>	Congressional hearings to establish Seashore. NPS Regional Chief Collins and Congressman Miller testify on <b>importance of preserving oyster farm and cannery at Drake's Estero because of "public values"</b>	
15								2/1/1961	<b>DOI Economic Feasibility of PRNS</b>	"Existing <b>commercial oyster beds and an oyster cannery</b> at Drakes Estero, plus three existing commercial fisheries, <b>should continue under national seashore status</b> because of the public values."	<a href="http://oysterzone.wordpress.com/reports-investigations/">http://oysterzone.wordpress.com/reports-investigations/</a>
16									<b>DOI Land Use Survey</b>	<i>"Included in the proposal are provisions for the continued operation of most of the dairy ranches, suggestions for expansion of commercial fisheries to furnish recreation opportunities commensurate with the purposes of the seashore proposal, and c ontinuance of the oyster industry in Drakes Bay..."</i>	<a href="http://oysterzone.wordpress.com/reports-investigations/">http://oysterzone.wordpress.com/reports-investigations/</a>
17								1962	<b>PRNS</b>	Congress enacts legislation to establish Point Reyes National Seashore (71,028 acres or 287.44 sq.km.) <b>Signed by President Kennedy, "explicitly provided for the retention of the ranches in a designated pastoral zone with ranches signing 25-30 year reservations of use and occupancy leases and special use permits for cattle grazing."</b>	<a href="http://www.nps.gov/pore/historyculture/people_ranching.htm">http://www.nps.gov/pore/historyculture/people_ranching.htm</a>

Chronology

	A	B	C	D	E	F	G	H	I	J	K
18	Over the 30 years of Harbor Seal data base records begun in 1973 to 2003, there are 4 recorded seal disturbances, 2 in 1996 and 2 in							11/13/63	PRNS to DFG	"The legislative history of the Act establishing the Point Reyes National Seashore, the Act of September 13, 1962 (76 Stat. 538), provides that the oyster company on Drakes Estero should be allowed to continue in business."	<a href="http://oysterzone.wordpress.com/reports-investigations/">http://oysterzone.wordpress.com/reports-investigations/</a>
19								7/9/63	Assembly Bill 1024	Chapter 983, Sec 3: "There is hereby reserved to the prople of the state the right to fish in the waters underlying the lands described in Section 1."	<a href="http://oysterzone.wordpress.com/reports-investigations/">http://oysterzone.wordpress.com/reports-investigations/</a>
20								9/30/65	AG of CA opinion	"Oysters and shellfish are 'fish'"	<a href="http://oysterzone.wordpress.com/reports-investigations/">http://oysterzone.wordpress.com/reports-investigations/</a>
21								10/22/65	DFG to JOC	"...all State laws and regulations pertaining to shellfish cultivation (including planting requirements, land rental etc.) remain in effect since the conveyance by the Legislature reserves fishery rights to the State."	<a href="http://oysterzone.wordpress.com/reports-investigations/">http://oysterzone.wordpress.com/reports-investigations/</a>
22								3/2/66	Dir of DFG to Deputy AG of CA	"...the law transferring the submerged lands to the Federal Government specifically reserved the fishing rights to the State."	<a href="http://oysterzone.wordpress.com/reports-investigations/">http://oysterzone.wordpress.com/reports-investigations/</a>
23								3/14/66	Dir of DFG to Sup PRNS	"...the legislation transferring the submerged lands at Point Reyes to the Federal Government specifically reserved the fishing rights to the State (AB 1024 (Bagley) Ch. 983, Stats. of 1965)."	<a href="http://oysterzone.wordpress.com/reports-investigations/">http://oysterzone.wordpress.com/reports-investigations/</a>
24								2/19/71	DFG to JOC	"The National Park Services and the Department of Fish and Game are both interested in perpetuating oyster culture in Drakes Estero. In this regard we will work together in managing the oyster operations within the National Seashore ..."	<a href="http://oysterzone.wordpress.com/reports-investigations/">http://oysterzone.wordpress.com/reports-investigations/</a>
25								1972	JOC ROU	In the Reservation of Use it is stated, "...its successors and assigns, a terminable right to use and occupy the...property...for a period of 40 years for the purpose of processing and selling wholesale and retail oysters, seafood...the interpretation of oyster cultivation to the visiting public, and residential purposes reasonably incidental.... Upon expiration of the reserved term, a special use permit may be issued for the continued occupancy of the property and the herein described purposes."	
26								1973	Harbor Seal Data Base established by NPS	NPS establishes data base on harbor seal legacy	
27								12/19/73	JOC sold to USA Lease Renewal Indefinitely		<a href="http://www.nps.gov/pore/parkmgmt/loader.cfm?csModule=security/getfile&amp;PageID=396090">http://www.nps.gov/pore/parkmgmt/loader.cfm?csModule=security/getfile&amp;PageID=396090</a>
28							1974	EIS re: Oyster Farm & CDFG	"Control of the lease from CDFG, with presumed renewal indefinitely...."	Page 56, titled "9. Drakes Estero Unit, Including Drakes Beach to Headland (2,200 acres)"	
29							1975	Wilderness Act Proposed, OYSTER FARM TO CONTINUE	Senator Tunney and Congressman Burton expressly support continuation of oyster farm. Sierra Club and all Marin County conservation organizations support BOTH wilderness designation <b>AND CONTINUATION OF OYSTER FARM AS A PRIOR EXISTING, NON-CONFORMING USE WITHIN THE PROPOSED WILDERNESS.</b>		
30							1976	PRWA ESTABLISHES PROTECTION AND RESPECT OF LAND-OWNERS AND LEASEHOLDERS	Point Reyes Wilderness Act - <b>Established Private Rights of Land-owners and leaseholders will continue to be respected and protected. Establishment of the Pierce Point Ranch</b>	<a href="http://www.nps.gov/pore/parkmgmt/upload/lawsandpolicies_publiclaw94_544.pdf">http://www.nps.gov/pore/parkmgmt/upload/lawsandpolicies_publiclaw94_544.pdf</a>	

## Chronology

	A	B	C	D	E	F	G	H	I	J	K
31	2003								Senate Subcommittee on Parks and Recreation	PRNS history	<a href="#">S 72, 1092, 1093, 2472, 97, 1099 (4 pages)</a>
32								1976	Tule Elk authorized	Congress authorized creation of the wilderness area <b>Incorporating the Pierce Point Ranch as habitat</b> for the reintroduction of the Tule elk.	<a href="http://wikimapia.org/100600/Pierce-Point-Ranch">http://wikimapia.org/100600/Pierce-Point-Ranch</a>
33								1978	Tule Elk reintroduced	10 Tule Elk were reintroduced to Point Reyes "which now has one of California's largest populations numbering ~500 "	<a href="http://www.nps.gov/pore/historyculture/index.htm">http://www.nps.gov/pore/historyculture/index.htm</a>
34								1980	GMP for PRNS Agriculture and Mariculture Planning	Environmental protection, potential wilderness, wilderness, agriculture and Mariculture all co-equal planning objectives. No mention of ever ceasing shellfish farming or converting to wilderness in 2012. As of June 2008 there have been no updates released.	
35									NPS cites Ranches Best Example	NPS invested in the rehabilitation of the ranch core, citing it as the best example of a 19th century west Marin Dairy ranch. "If, on your way home from Point Reyes, you should stop to treat yourself with ice cream, don't be surprised if several days ago it started as grass and a cow you just passed."	<a href="http://www.nps.gov/pore/historyculture/people_ranching.htm">http://www.nps.gov/pore/historyculture/people_ranching.htm</a>
36								1981	Marin County LCP Agriculture and Mariculture Planning	California Coastal Commission and Marin County Supervisors and the Local Coastal Program, <b>Very supportive of AG &amp; Mariculture, no mention of phase out</b>	Pgs 55-58, Agriculture and Mariculture. <a href="http://www.co.marin.ca.us/depts/CD/main/pdf/planning/coastal/LCP_UNIT_II_amended.pdf">http://www.co.marin.ca.us/depts/CD/main/pdf/planning/coastal/LCP_UNIT_II_amended.pdf</a>
37								1985	Pierce Point Designated Historic	Pierce Point Ranch was added to the National Register of Historic Places...and was subsequently opened to the public as an interpretive site.	<a href="http://wikimapia.org/100600/Pierce-Point-Ranch">http://wikimapia.org/100600/Pierce-Point-Ranch</a>
38								1989	COSEPUP PANEL ON SCIENTIFIC RESPONSIBILITY	NAS proposed standard definition of scientific misconduct. Committee on Science, Engineering, and Public Policy (COSEPUP) commissioned Panel on Scientific Responsibility.	
39								1989	Allen et al REPORT	Long term monitoring of Harbor Seals have been conducted at selected colonies at Point Reyes since 1976 (Allen et al. 1989, Sydeman and Allen 1999, Allen et al. 2004)	
40								1991	Anima REPORT	study commissioned by PRNS to <b>study the impact of the surrounding ranches on the levels of sediments</b> ...in Drakes Estero ANIMA DID NOT STUDY OYSTER FECES.	
41								1992	MISCONDUCT DEFINED by COSEPUP	COSEPUP released report entitled "Responsible Science: Ensuring the Integrity of the Research Process." Misconduct defined as "fabrication, falsification ... in ... reporting research. "	<a href="http://books.nap.edu/openbook.php?record_id=1864&amp;page=5">http://books.nap.edu/openbook.php?record_id=1864&amp;page=5</a>
42								1992	MAP OF HAUL-OUT AREAS by NMFS & NOAA IN COLLABORATION WITH NPS	National Marine Fisheries Services, (NMFS, NOAA) in collaboration with NPS create map of the haul-out areas	
43								1992	PROTOCOLS RE: Seasonal Lateral Channel Closure	NPS, NMFS, CDFG Johnson Oyster Co and others, reach agreement <b>creating protocols which restricts oyster farm activities at lateral channel and defines protections and boundaries of harbor seal haul-out areas on sandbars during spring pupping season months</b>	
44								1996	2 recorded disturbances of seals		

	A	B	C	D	E	F	G	H	I	J	K
45								1998	<b>NEPA Best Path Forward</b>	Park Service and Johnsons prepare Proposal for an Environmental Assessment Report pursuant to NEPA to establish "Best Path Forward"	
46								1998	<b>NEPA &amp; NPS PROPOSE COMPLETE RENOVATION OF OYSTER FARM</b>	Park Service Proposal per NEPA to raze all buildings and replace with 11,000 sq ft facility (10 fold increase in square footage) for shucking and packing facility, processing, hatchery, cannery, visitor center / interpretive center and laboratory and research center	
47									<b>NPS PAYS FOR EA, RESULT: FONSI</b>	NPS paid for Project Design and Environmental Assessment. US government / JOC Adoption of a Negative Declaration of Environmental Impact and Approval of Design Review (New detached garage, seed plant, stringing plant, two -story processing plant) results in a FINDING OF NO SIGNIFICANT IMPACT (FONSI)	
48									<b>Bank Wants Assurance</b>	Bank requires assurance of continuation of oyster operations	
49									<b>Neubacher Provides Assurance</b>	Don Neubacher sends letter of assurance to bank - "The park does intend 'long term' continuation of the oyster farm.". Neubacher also states it is included in the soon to be released REQUIRED updated General Management Plan (GMP)	
50									<b>Project Abandoned Due to Lack of Funds</b>	Due to lack of funding, project not constructed	
51								1999	<b>Dr Allen article on harbor seals - "POPULATION HAS GROWN"</b>	<b>Marine Mammal Science:</b> Sydeman (PR Bird Observatory) and Allen (PRNS). "The central California harbor seal population has grown considerably over the past two decades, as it has throughout much of the eastern North Pacific Ocean...but the rate of increase has declined in recent years. Habitat saturation and/or prey limitation may be influencing the population dynamics of harbor seals."	

Chronology

	A	B	C	D	E	F	G	H	I	J	K
52								2000	<b>OSTP FED POLICY ON RESEARCH MISCONDUCT</b>	National Academy of Sciences supported final Office of Science and Technology Policy OSTP: Federal Policy on RESEARCH MISCONDUCT	
53								Dec-00	<b>OSTP REQUIRES IMPLEMENTATION WITHIN ONE YEAR</b>	White House Office of Science & Technology Policy "Federal Policy on research misconduct" entered into Federal Register, defines misconduct as "...fabrication, falsification ... in proposing, performing, or reviewing research, or in reporting research results." <b>"AGENCIES WILL HAVE ONE YEAR TO IMPLEMENT THIS POLICY" NPS DID NOT COMPLY</b>	<a href="http://ori.dhhs.gov/education/products/RCRintro/c02/1c2.html">http://ori.dhhs.gov/education/products/RCRintro/c02/1c2.html</a>
54								Early 21st Century		Johnson wants to sell, NPS has first right of refusal, declines	
55								2003	<b>Disturbance?</b>	<b>Becker 1 does not record disturbances however, Becker 2 does. Becker told the NRC panel after Becker 1 that he and David Press reviewed the database "disturbance by disturbance". The 2003 disturbance data changed from Becker 1 to Becker 2 with no mention of why these data were missed in Becker 1 or how they were found for Becker 2</b>	
56								2003	<b>PRNS GMP</b>	<b>Concepts Newsletter, 8 pages, signed by Superintendent Neubacher. Outlines 5 concepts. No mention of oyster farm in any of the concepts.</b>	
57								11/26/03	<b>Cease &amp; Desist on JOC</b>	California Coastal Commission to JOC to Cease & Desist for failure to obtain permits, hearing set for Dec 11, 2003	
58								2004	<b>CDFG RENEWS JOC AQUACULTURE LEASE</b>	Aquaculture lease renewed through 2029. On-shore ROU renewal clause linked to state lease, <b><u>PRNS permit for oyster farm eligible for renewal to 2029</u></b>	
59									<b>LUNNY SEEKS NEUBACHER ADVICE</b>	Lunny (who has a working relationship with Neubacher due to Lunny's ranching endeavors) asks Neubacher should he buy it, clean it up and run it?	
60									<b>Neubacher responds Negatively</b>	Neubacher replies, no it is an environmental mess and lots of money to fix, terrible idea	
61									<b>Neubacher REVERSES RESPONSE, Now Positive</b>	Next day, Neubacher calls back stating: "I don't know what I was thinking, I realized I would feel as if I'd died and gone to heaven if you purchased it.	
62								02/20/04	<b>SCMG letter, to PRNS on GMP</b>	Bennett on GMP Update, in Concepts Newsletter 2003 of Sierra Club Marin Group, states concern that none of the concepts come close enough to the 1916 Organic Act's NPS mission statement. Dissatisfied with proposals for trails, development, invasives, grazing, <b><u>Bennett questions whether oyster farm or ranches should exist in PRNS at all</u></b>	
63								02/26/04	<b>NPS Field Solicitor (Mihan) to PRNS (Neubacher) REQUESTS Memorandum Opinoin</b>	Requested <b>Memorandum Opinion</b> . "Hence, the Park Service is mandated by the Wilderness Act., The Point Reyes Wilderness Act and its Management Policies to convert potential wilderness. i.e., the JOC tract and the adjoining Estero, to wilderness status as soon as the nonconforming use can be eliminated." (3 pages)	
64								2004	<b>Weschler REPORT</b>	Weschler, 2004 re: <b><u>fish communities - no evidence of significant impact</u></b>	

Chronology

	A	B	C	D	E	F	G	H	I	J	K
65	DBOC Established. To date not one incident of disturbance to harbor seals or pups by DBOC has been recorded in the NP.							2005	DBOC ESTABLISHED	Lunny Family purchases Oyster Farm and renames it Drakes Bay Oyster Company	
66									1992 MAPS REAFFIRMED	NPS gave DBOC a seal protocol map reaffirming the 1992 NMFS, NOAA and NPS map of seal haul-out areas	
67									CLEAN-UP BEGINS	Lunny Family spends in excess of \$300,000 in massive clean up and initiates significant changes in oyster operations to reflect state-of-the-art environmental standards.	
68									SECRET MEETING HELD to discuss driving Lunny out	At a meeting of environmental groups and the National Seashore an attendee ( <i>the then representative of the Sierra Club</i> ) stated " <u>we should make sure that Lunny doesn't want to continue past 2012</u> ". Tomales Bay Association President, Ken Fox "countered ... that since we had a new operator who was dedicated to <i>and capable of</i> cleaning up the operations of the facility, we should assist them rather than try to harass or get in their way, and that maybe the land based permit could be extended as a carrot. "No other person at the meeting expressed any objection to that proposed by the then representative of the Sierra Club.	Tomales Bay Association Summer 2011 Newsletter, Fox-Tribe: Regarding Drakes Bay, a perspective from Ken Fox, page 4
69								2005	Allen REPORT: NO CHANGE IN DISTURBANCES or TRENDS DETECTED	Intro states " Long term monitoring of Harbor Seals have been conducted at selected colonies at Point Reyes since 1976 (Allen et al. 1989, Sydeman and Allen 1999, Allen et al. 2004) Summary by site, page 6 states, "Drakes Estero, 37 surveys were completed between March 1 and July 31 2005....Drakes Estero had the greatest rate of disturbances....Causes...Birds (22.0% were the most frequent cause, followed by non-motor boats (19.4%, humans (16.7%), and aircraft (16.7%)). Summary states: .... <u>The number of disturbances recorded by surveyors remains similar to previous years and no trends are detected....</u> "	<a href="http://www.mmc.gov/drakes_estero/pdfs/harbor_seal_rpt_05.pdf">http://www.mmc.gov/drakes_estero/pdfs/harbor_seal_rpt_05.pdf</a>
70								2005	Allen TESTIFIES: HARBOR SEALS HABITUATE	Sarah Allen <u>testifies under oath that seals habituate to disturbance sources</u> that are determined not to be a threat.	
71								2005	Fisk et al REPORT	Elliott-Fisk et al., 2005 re: oyster feces in sediments - <u>no evidence for a major problem</u> :	
72							03/17/05	MAPS AND PROTOCOLS	DBOC contacted Sarah Allen because she had over 25 yrs hands-on experience with the harbor seal population in Drakes Estero. Lunny requested protocols and sensitivities on how DBOC should function in relationship to harbor seals, especially during pupping season. <u>On behalf of NPS, Allen discussed the protocols and prepared a map of the harbor seal haul-out and pupping areas and gave it to DBOC. The NPS 2005 protocols and map were consistent with their 1992 NMFS/NPS counterparts</u>		

	A	B	C	D	E	F	G	H	I	J	K
73	3 Harbor Seal Database.								<b>Oyster bag PALCEMENT AND APPROVAL</b>	<b>According to the 1992 and 2005 maps</b> , the oyster bags were not in the harbor seal haul-out area. In particular, on island UEN, <b>harbor seals haul-out on the east sandbar adjacent to the deep channel; they do not go near the west side of the island</b> which is surrounded by shallow water and where the oyster bags are placed. <b>This arrangement has existed for decades and been approved by multiple Federal and State agencies and SCIENTIFIC EXPERTS. This MAP WAS BASED ON 70 years of commercial oyster farming, and THREE DECADES OF ALLEN'S PROFESSIONAL OBSERVATIONS of the harbor seals.</b>	
74								January-06	<b>Allen's 7-YEAR STUDY: HARBOR SEALS HABITUATE</b>	Sarah Allen publishes her findings after a 7-year study about the construction related harbor seal disturbances at Richmond San Rafael Bridge. "Construction-related disturbances at Castro Rocks were attributed to two main factors; watercraft in the area of the haul-out site and construction activities such as jack hammering, rivet work, hammering and the movement of cranes on barges near the haul-out site." <b>"During pupping season, ... the total number of seals hauling out on Castro Rocks did not decrease...."</b> (Richmond bridge operations as close as 20 yards to haul-out sites. Lunny oyster bags 750 yards from haul-out sites - 7 1/2 football fields, nearly ONE HALF MILE REMOVED FROM HARBOR SEAL HAUL-OUTS)	
75								2006	<b>Allen's DEASWE report PUBLISHED WITHOUT EVIDENCE FOR HARM</b>	Sarah Allen, lead author of PRNS publication "Drakes Estero, A Sheltered Wilderness Estuary" <b>reports oyster farm operations are harming the ecology of the estero causing widespread catastrophic degradation of the estero". WITHOUT ANY EVIDENCE OF SUCH ANYWHERE IN THE NPS DATABASES, and begins a campaign to shut down the historic operation.</b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
76								2006-7	<b>5 VERSIONS DEASWE PUBLISHED, NO DISCLOSURE OF CHANGES, each version more accusatory than prior</b>	NPS republishes report five times WITHOUT DISCLOSURE OF CHANGES - EACH VERSION MORE ACCUSATORY THAN THE PREVIOUS ONE. <b>THIS IS SCIENTIFIC MISCONDUCT AS DEFINED BY 1992 NAS COSEPUP PANEL and 2000 OSTP FEDERAL POLICY</b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
77									<b>Neubacher and Allen MISQUOTE one study AND OMIT Allen's own study</b>	Neubacher and Allen wrote "A USGS researcher stated that a primary source for sediment fill in the estero was from oyster feces and from structures trapping sediment." Dr. Roberto Anima, Anima 1991, study commissioned by PRNS to study the impact of the surrounding ranches on the levels of sediments,...in Drakes Estero <b>ANIMA DID NOT STUDY OYSTER FECES. Jill Baltan (Ca Dept of Public Health) told Allen in Aug 2006, that NPS was misquoting Anima's USGS study. Anima himself told Allen NPS was misquoting his report.</b> Also, <b>Neubacher and Allen failed to quote another PRNS/NPS study (Elliott-Fisk et al., 2005 on which Allen is a co-author) that studied oyster feces and FOUND NO impact of oyster feces on the sediments or eelgrass.</b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>

Chronology

	A	B	C	D	E	F	G	H	I	J	K
78									<b>Neubacher and Allen FABRICATE EVIDENCE</b>	Jesse Wechsler's masters thesis from UC Davis under the guidance of Professor Elliott-Fisk and supported by PRNS/NPS stated " <b>no statistically significant differences in fish abundance ... indicated oyster farm had not exerted noticeable effect on the ichthyofauna of Drakes Estero</b> " <u>Neubacher and Allen claimed he stated the opposite.</u> In Wechsler's thesis he made no comment about herring because he did not sample during the herring season vs. Neubacher and Allen stating he "detected few herring" inferring there should have been more.	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
79								2007	<b>NPS CDFG 16-YEAR STUDY CONCLUSION</b>	Joint project of NPS and CDFG 1991 - 2007 re: eelgrass - <b><u>eelgrass doubled and was thriving particularly in the arm of the estero that contained most of the oyster racks.</u></b>	
80								2007	<b>Lunny RECOGNIZED for Environmental Stewardship and innovation in NPS Publication</b>	Stewardship Begins with People, An Atlas of Places, People, and Handmade Products ... a guide to the work of friends and neighbors of the US national parks, heritage areas, and national historic landmarks who are practicing a stewardship ethic and demonstrating a commitment to sustainability." Conservation and Stewardship Publication No. 14 / 2007, 58 pages Rolf Diamant / Jeffrey Roberts / Jacquelyn Tuxill / Nora Mitchell / Daniel Laven. This book profiled a handful of great stewards across the country who operate within or near National Parks. <b>KEVIN LUNNY WAS INCLUDED AS ONE OF THOSE OUTSTANDING STEWARDS IN THIS NPS REPORT. 15 parks across the country including PRNS in which <u>Kevin Lunny is hailed as ENVIRONMENTAL STEWARD</u></b> (Neubacher is named in the acknowledgements)	<a href="http://www.nps.gov/csi/pub_resources/pub2.htm">http://www.nps.gov/csi/pub_resources/pub2.htm</a>
81									<b>Congress ENCOURAGES PURSUIT OF COEXISTENCE and SALE OF PRODUCTS IN NPS</b>	<b>Congress recently asked the NPS to "<u>explore viable ways to encourage the sale of traditional products in national parks that reflect, educate, and celebrate the unique history, spirit, culture, and natural treasures of the designated region and individual park.</u>"</b> .... "All of the initiatives...will hopefully stimulate ...discussion about the ways in which national parks and protected areas can encourage and support the work of good stewardship...." We are impressed by the enthusiasm of park managers...and producers ... who contributed...." <b><u>This atlas project is but one step in reestablishing this connection ...between people and the food they eat and between the stewardship of American landscapes and a healthier, more sustainable future.</u></b> "	<a href="http://www.nps.gov/csi/pub_resources/pub2.htm">http://www.nps.gov/csi/pub_resources/pub2.htm</a>



Chronology

	A	B	C	D	E	F	G	H	I	J	K
82									<b>NPS CENSORSHIP</b>	Stewardship Begins with People, <b>Revised edition, no date</b> , is only 12 pages, only 3 entries, PRNS remains however all <b>references to, and photographs of, Kevin Lunny have been removed.</b> Oyster Farming is only in reference to companies outside of PRNS. All 19 others in the series are available in pdf. If one wishes a copy of #14 however, there is notation to request a paperback at the NPS website.	<a href="http://open.nat.gov.tw/OpenFront/report_download.jsp?sysId=C09801968&amp;fileNo=002">http://open.nat.gov.tw/OpenFront/report_download.jsp?sysId=C09801968&amp;fileNo=002</a>
83								2007	<b>NPS funded studies PROVIDE NO EVIDENCE OF HARM</b>	Anima, 1991, Elliott-Fisk et al., 2005 re: oyster feces in sediments - no evidence for a major problem; Weschler, 2004 re: fish communities - no evidence of significant impact; Joint project of NPS and CDFG 1991 - 2007 re: eelgrass - eelgrass doubled and was thriving particularly in the arm of the estero that contained most of the oyster racks.	
84								04/05/07	<b>Neubacher REVEALS "WAR ROOM"</b>	Meeting at PRNS between Neubacher, Kinsey & his aide Liza Crosse, where <b>Neubacher reveals the "War Room" and states DBOC committed "environmental felonies" and that work on DBOC permits is halted. Neubacher claims evidence for ecological harm is overwhelming warranting extreme measures that would include civil and criminal action, Lunny should expect jail time and the California Coastal Commission is onboard and CBD might get involved."</b>	
85								04/11/07	<b>Neubacher ACCUSATIONS NOT SUPPORTED BY DATA</b>	As of 4/11/2007 there is <b>NO EVIDENCE OF HARM</b> in <b>NPS harbor seal database, NPS harbor seal monitoring reports</b> , and not in various <b>NPS - sponsored reports and publications.</b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
86								04/24/07	<b>Allen ADMITS NO EVIDENCE FOR CLAIMS</b>	Allen email to Joe Cordaro of NOAA, cc'd to Neubacher, states <b>they "Had no direct observations of harbor seal disturbance." NPS claims in conflict with the NPS data = INTENTIONAL SCIENTIFIC MISCONDUCT AS DEFINED BY 1992 NAS COSEPUP PANEL and 2000 OSTP FEDERAL POLICY</b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
87								04/26/07	<b>Allen PUBLISHES UNSUBSTANTIATED CLAIMS in local paper</b>	NPS scientist Dr. Sarah Allen (PRNS staff scientist), Jules Evens, and John Kelly wrote and published an article in PRL entitled "Coastal Wilderness" "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." <b>NO EVIDENCE OF THESE CLAIMS EXIST ANYWHERE</b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
88								04/26/07	<b>Allen CLAIMS NOT SUPPORTED BY EVIDENCE</b>	States DBOC Boat disturbed seals. Record states "someone moving oyster bags in shallow water". <b>DBOC time cards and payroll records revealed no one working oyster boats that day, a Sunday; further the sandbars were under water at the time specified. Observations violate NPS QA/QC protocols.</b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>

Chronology

	A	B	C	D	E	F	G	H	I	J	K
89								04/28/07	Kinsey calls in outside scientist Dr. Goodman to evaluate NPS science	Marin County Supervisor Kinsey contacts Dr. Goodman. Asked to examine NPS science vs. NPS claims and testify 10 days later at Supervisors hearing on May 8, 2007	
90								April / May	CLAIMS ESCALATED	"New claims" appeared, "New harbor seal 'data' appeared"	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
91								April / May	MAP ALTERED	<b>Neubacher and Allen change the boundary on the map without notifying CDFG (which oversees the oyster farm lease) OR DBOC.</b> Boundaries to harbor seal haul-outs and pupping areas, are altered <u>without citing any evidence or new science for why they were changed.</u> The 1992 National Marine Fisheries Services (NMFS, NOAA) and PRNS, and the 2005 PRNS map provided to DBOC shows haul-outs and pupping areas. <u>The new altered map indicates,</u> after many decades of not doing so, <u>that harbor seals now suddenly swim out of the deep channel into the shallow waters to haul out</u> on the west side of island UEN. <u>Nothing in the NPS database supports this, no data are provided</u>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
92								05/01/07	SCMG, EAC, NPCA and others PUBLISH ESCALATED CLAIMS	Coastal Post article entitled "Save Drakes Estero" by Sierra Club Marin Group, Environmental Action Committee, National Parks Conservation Association, Audubon, Wilderness Watch, and others, used scientific data (some unpublished) and scientific claims provided by the PRNS. They stated <i>"In the past, as many as 300-500 seal pups were born annually in the Estero, 100-200 of which use the middle sandbars. Now that oyster operations have expanded and oyster bags are placed in seal nursery areas, baby seal numbers on the middle sandbars have been reduced to about fifty in 2006 and less than 10 pups so far in 2007."</i> FALSE	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
93								05/04/07	MMC writes to Neubacher	Executive Director of the Marin Mammal Commission wrote to Neubacher <i>"It has been brought to my attention that activities associated with commercial shellfish operations (oyster farming) are leading to the disturbance of harbor seals in Drakes Estero in PRNS."</i> <u>The MMC requested data to back up the NPS claims. Neubacher and Allen provided them with no data.</u> When the MMC next met in late August, Drakes Estero was not on their agenda because PRNS never provided the requested data.	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
94								05/05/07	Allen CLAIMS NOT SUPPORTED	Allen testifies to a reduction in seals to 25 however, <b>THERE IS NO ENTRY IN THE NPS HARBOR SEAL DATABASE FOR THIS DATE. If what was observed was of national significance as she testified to the Marin Co. Board of Supervisors the next week, it did not rise to the level required for her to enter it into the NPS database. FOIA requests were not honored.</b>	

Chronology

	A	B	C	D	E	F	G	H	I	J	K
95	Over 37 months, 3 + years, 281,000 COLOR PHOTOS ARE TAKEN, ONCE A MINUTE, EVERY MINUTE, FROM							05/05/07	<b>CAMERAS INSTALLED BY NPS</b>	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. <b><u>Cameras take photos ONCE A MINUTE, EVERY DAY FROM 7 AM TO 7 PM during pupping season, 281,000 photos</u></b> 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". <b><u>THE COVERT CAMERA OPERATION PROVES NO HARM TO HARBOR SEALS</u></b>	
96								05/07/07	<b>Goodman CONSULTS CDFG</b>	Tom Moore is the CDFG State expert on the oyster farm in Drakes Estero, has <b><u>spent a quarter of a century overseeing the oyster farm on behalf of the State,</u></b> and continues to oversee the current DBOC lease. Moore reported to Goodman that from 2005 - 2007, PRNS <b><u>NEVER NOTIFIED HIM, OR TO HIS KNOWLEDGE, LUNNY, ABOUT THE DATA OR CLAIMS OF THE ALLEGED NEGATIVE IMPACT ON THE 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?</u></b> Moore assured Goodman that the <b><u>DBOC continues to follow protocols established originally in 1992 by NMFS and NPS, and that nothing changed in 2007.</u></b> The <b><u>oyster bags, Moore said, were placed at the same locations as they had been for decades.</u></b> Oyster bags, he said, were <b><u>NOT placed in nursery areas, and were NOT displacing seals.</u></b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
97									<b>CDFG WILL NOT TESTIFY</b>	Goodman asked Moore if he was planning on attending the May 8 hearing and <b><u>Moore answered "No", that there was no reason to testify since HE HAD NEVER BEEN NOTIFIED BY PRNS OF ANY PROBLEMS.</u></b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
98		DOI, IG investigation beg						05/08/07	<b>MARIN COUNTY BOARD OF SUPERVISORS HEARING</b>	Dr. Corey Goodman and NPS present testimony before the Marin County Board of Supervisors Hearing	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
99								05/08 & 05/11/2007	<b>NPS CREATES UNSUPPORTED REPORT</b>	<b><u>NPS provides unsubstantiated claims against DBOC in hearing</u></b> on the 8th and posts the report on line on the 11th: Drakes Estero Report (A Sheltered Wilderness Estuary) claims against DBOC range from oyster feces, eelgrass, fish, to harbor seals - "Specifically in Drakes Estero, ecological function has been degraded and altered over the past several decades due to activities associated with oyster farming..."	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>

Chronology

	A	B	C	D	E	F	G	H	I	J	K	
100	<b>AT 7 AM TO 7 PM EVERY DAY DURING PUPPING SEASON - PROVIDING PHOTOGRAPHIC PROOF THAT DBOC NEVER CAUSED ANY DISTURBANCE</b> Ends May 2007, ends Jan 2008							05/08 & 05/11/2007	<b>Neubacher, Allen and Gates give UNSUPPORTED PUBLIC TESTIMONY TO GOVERNMENT, ON THE WEB, AND IN COMMUNICATIONS to various agencies including MMC and CCC and to local supported who repeated them in local newspapers.</b>	PRNS Superintendent Neubacher, NPS scientists Allen and Gates <b>testify to Marin County Board of Supervisors hearing</b> "... the harbor seal pupping area in Drakes Estero is seriously threatened ... it's amazing how many pups we have probably lost this year. We have a serious problem right now. ...This is a national issue, has national significance. ... Disturbances to ... seals increased dramatically in 2007 .... DBOC causing severe environmental harm to Drakes Estero, The NPS Drakes Estero Report: A Sheltered Wilderness Estuary, May 2007 "...chronic disturbance and placement of bags on the nursery area has caused an 80% reduction in the seals .... The impact on the harbor seals is a national emergency, that the Marine Mammal Commission had been alerted and that the MMC would take it up at their next meeting. This issue has been ... recognized by the Marine Mammal Commission ... it has national significance."	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>	
101									<b>11 FABRICATIONS AND OMISSIONS ALLEGED</b>	NPS <b>1)</b> claims of negative impact on harbor seals were fabricated, <b>2)</b> claims of negative impact on harbor seal pups fabricated, <b>3)</b> claims of oyster bags in seal nursery based on arbitrarily altered map fabricated <b>4)</b> claims of oyster bags moved into seal pupping areas fabricated <b>5)</b> Key NPS harbor seal data refuting the NPS claims and showing that disturbances were mostly from PRNS visitors selectively omitted, <b>6)</b> claims that harm to harbor seals by oyster farm were so significant as to be of national significance were fabricated	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>	
102										<b>continued</b>	<b>7)</b> April 26 Trip Report provided to CCC is not in the harbor seal database, inconsistent with NPS protocols, and inconsistent with other facts and may have been fabricated, <b>8)</b> claims that a USGS researcher (Anima 1991) showed oyster feces were primary source of sediment in Drakes Estero were fabricated <b>9)</b> assertion that Anima quantified amount of oyster feces inDrakes Estero selectively omitted that the data came from a 1955 study in Japan <b>10)</b> Harbin's and Elliott-Fisk's 2005 NPS-funded study (co-authored by Allen) on showing oyster feces are not a primary source of sediment in the estero selectively omitted <b>11)</b> selective misquote of Wechsler's 2004 NPS-funded study on impact of the oyster farm on fish populations in Drakes Estero; NPS claims of negative impact on the fish populations fabricated	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
103										<b>Senator Feinstein</b>	Before she will intervene, Senator Dianne Feinstein requires a unanimous vote by the Marin County Board of Supervisors. The Supervisors vote unanimously to have the Senator intervene.	
104									05/08/07	<b>NPS CONDUCTING UNDISCLOSED ENVIRONMENTAL REVIEW = scientific misconduct</b>	Neubacher arbitrarily and secretly changed the map of the pupping area to include the oyster bag area, then claimed he didn't realize there were that many bags in the pupping area, then claimed this might require them to do an EA or EIS. He used this to manipulate the NPS internal environmental analysis. This map was given to the Marin Supervisors, <b>not to CDFG or DBOC. THIS IS SCIENTIFIC MISCONDUCT AS DESCRIBED BY THE 1992 NAS COSEPUP PANEL AND BY THE 2000 OSTP FEDERAL POLICY</b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
105								05/08/07	<b>Neubacher DENIES HOLDING UP PERMIT process for DBOC</b>	In Q&A with Marin Co. Board of Supervisors, Neubacher denied he was holding up the permit process but <b>in his earlier testimony, he clearly stated that "the seal disturbances"</b> - which we now know to have been a false claim - <b>"are another reason why the permits is not available at this time."</b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>	

Chronology

	A	B	C	D	E	F	G	H	I	J	K
106	DAMAGE TO HARBOR SEALS							05/08/07	<b>Neubacher DENIES KNOWING many bags in pupping area</b>	Neubacher knew there was no change in the placement of oyster bags, he knew there were no bags where seals were pupping, <b>he manipulated the boundary on the altered map so as to include the oyster bag area. The oyster bags are where they have been for decades, not on sandbar A.</b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
107									<b>Allen "FABRICATES" CLAIM</b>	"...we have documented oyster operations disturbing mothers with pups and oyster bags left on sandbars where seals would normally give birth and nurse....resulting in abandonment of one area....and caused an 80% reduction ..." No evidence oyster bags were moved. <b>According to the NPS database, the area that was abandoned in '07 was mainland sandbar A. The NPS database shows that the disturbances were due largely to PRNS visitors. There is not a single record of disturbances by the oyster farm on sandbar A.</b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
108									<b>Allen FALSIFIED CLAIM</b>	Allen claims she was out there on Saturday May 5. the NPS database contains no record for May 5.	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
109									<b>Allen "FABRICATES" testimony</b>	Allen claims the issue has been raised, has been received and recognized by the MMC and they are going to bring it up in their next commission meeting because it has national significance. <b>The MMC asked Neubacher and Allen for data supporting their claims, and when no data was provided, the issue never appeared on the agenda.</b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
110								05/08 & 05/11/2007	<b>UNSUPPORTED CLAIMS EXPOSED</b>	Goodman presents detailed written reports <b>revealing a repeated pattern of scientific misrepresentations of data by the PRNS and documenting Neubacher's intentional misrepresentations in public testimony to Marin County Board of Supervisors. Neubacher's and Allen's misrepresentations are based upon fabrication, falsification, and selective omission of NPS data.</b> These are only the most egregious, there are others. <b>These false claims influenced public policy decisions." In their zeal to claim a negative impact, Neubacher and Allen intentionally misrepresented their own NPS data. "...The political process can be dangerously misled by bad or misused science."</b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
111								05/08 & 05/11/2007	<b>Allen's own report EVIDENCE of NO HARM OR DISTURBANCE by DBOC</b>	Goodman's report concludes with "The scientific record is clear: there is no evidence that Lunny's oyster farm is having a negative impact on the eelgrass, sediment, or harbor seal pups..... there is no evidence that the oyster operation is disturbing harbor seal pups or reducing seal numbers. Sarah Allen's own work ... shows the seal population in Drake's Estero to be <b>thriving, and makes no mention of disturbances from the oyster farm. Her recent report identifies kayaks and canoes as the major source of disturbances of the seal pups.... Oyster harvesters were not mentioned.... insist on seeing the complete database, check for bias, and seek independent review."</b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
112								05/08 & 05/11/2007	<b>Senator Feinstein TO INTERVENE</b>	Senator Dianne Feinstein requires a unanimous vote to include her before she will intervene. <b>Vote is unanimous.</b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
113								05/09/07	<b>Allen REFUSES TO PROVIDE DATA</b>	Goodman emailed Sarah Allen and asked to see data supporting the NPS claims. <b>ALLEN DOES NOT REPLY</b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>

Chronology

	A	B	C	D	E	F	G	H	I	J	K
114								05/11/07	Time Cards VINDICATE DBOC	NPS report says boats & workers on estero on this a Sunday. May 11 is a Friday, they would be there on a Friday. <b>281,000 PHOTOS PROVE NO boats on ANY Sunday IN 37 MONTHS</b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
115									Jarvis FAILS TO INVESTIGATE	In academia, if a scientist is accused of fraud by a respected member of the community, the institution and granting agency would immediately lock down the data and notebooks, set up an independent panel to look at the data and investigate the allegations. <b>JARVIS DID NOT.</b> When a member of the NAS accuses a NPS Superintendent of intentional scientific misconduct, and provides multiple detailed written reports documenting that allegation, one would ethically expect the Superintendent's supervisor to take those allegations seriously and investigate them. <b>JARVIS DID NOT.</b> Jarvis instead set to work on a rebuttal and attempted to discredit the NAS rather than investigating.	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
116								05/12 & 13/2007	FOIA REQUESTS IGNORED	Goodman submits FOIA requests by email to Allen then to Neubacher regarding public testimony - which subsites and by what measure NPS had determined 80% decline. <b>Allen refuses to answer. Neubacher refuses to answer.</b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
117								05/29/07	Goodman PROVIDES EVIDENCE of violations	On May 29 Goodman provided written documents to the Marin County Board of Supervisors (cc PRNS/NPS) revealing a repeated pattern of scientific misrepresentations of data by PRNS. He concluded Federal laws and NPS/DOI policies had been violated.	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
118								06/05/07	CCC letter to DBOC BASED ON REFUTED SCIENCE and statements	The California Coastal Commission relied heavily on Neubacher's and Allen's claims, and ultimately on Allen's April 26 Trip Report in making policy decisions. Letter from Peter Douglas, Ex. Dir. Ca. Coastal Comm. They wrote "The science advisor to the NPS, who has amassed 25 years of continuous data about the harbor seal nursery at the Estero, has documented evidence of recent adverse impacts to harbor seals in intertidal areas affected by oyster and / or clam culture operations." <b>THIS STATEMENT IS UNSUBSTANTIATED BY NPS DATA</b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
119								06/13/07	Jarvis ISSUES IMPROPER DENIAL of FOIA	Responding for Neubacher, Jarvis denies FOIA access citing " <i>deliberative process privilege</i> " even though "data" is specifically excluded from DOI FOIA exemption #5.. <b>DOI policy excludes data from FOIA exemption #5.</b> Moreover, <b>Neubacher and Allen testified at public meetings about this same data, made claims about it in their official Drakes Estero Report, and thus it was no longer pre-decisional.</b> Gordon Bennett and other local supporters were given access prior to their May 1 Coastal Post article.	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
120								06/13/07	FOIA request TURNS UP "Trip" reports	Allen's April 13 and April 26 <b>trip reports include the "new" map with the altered seal haul-out boundary.</b> These <b>trip reports are NOT in the NPS harbor seal database, NOT cited in the extensive May 8 testimony by Neubacher and Allen (much of which focused on the harm by DBOC to the harbor seals), nor were they cited in the May 8 or May 11 versions of the NPS Drakes Estero Report.</b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
121								06/27/07	FOIA denial APPEALED		<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>

## Chronology

	A	B	C	D	E	F	G	H	I	J	K
122								July-07	<b>Unsubstantiated CLAIMS PUBLISHED</b>	In the SF Bay Chapter of the Sierra Club newspaper, Gordon Bennett, Chair of the Sierra Club Marin Group wrote: "As many as 300-500 seal pups used to be born annually in the Estero, 100-200 using the middle sandbars. Expanded oyster operations and oyster bags placed in seal nursery areas have reduced baby seals on the middle sandbars to about 50 in 2006 and less than 10 so far in 2007." <b><u>NONE OF THESE CLAIMS ARE SUPPORTED BY THE nps HARBOR SEAL DATABASE. THIS IS SCIENTIFIC MISCONDUCT.</u></b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
123								July-07	<b>DOI IG INFORMED of secret meeting, interviews witness</b>	<b>US Dept of Interior Inspector's General officer interviews Ken Fox</b> , President of Tomales Bay Association, who was present at the secret meeting in early 2005 <b>who recounts that the consensus of the group, save for his opposing opinion, was "to make it so that Lunny does not want to continue past 2012"</b>	<a href="#">Tomales Bay Association Summer 2011 Newsletter. Fox-Tribe: Regarding Drakes Bay, a perspective from Ken Fox, page 4</a>
124								July-07	<b>IG MISREPRESENTS WITNESS STATEMENT</b>	Inspector General interviews Ken Fox of Tomales Bay Association "'Did anyone suggest to attempt to bankrupt the Lunny's?' I answered, 'No, no one said anything like that.' ...the officer paraphrased in her report, saying I 'denied anyone having suggested to attempt to bankrupt or financially ruin' Lunny. <b><u>The IG report misrepresented my testimony.</u></b> "	<a href="#">Tomales Bay Association Summer 2011 Newsletter. Fox-Tribe: Regarding Drakes Bay, a perspective from Ken Fox, page 4</a>
125								July-07	<b>Goodman SUBMITS CASE to NPS Regional Director and Interior Solicitor Molly Ross</b>	<b>NPS NEVER RESPONDED</b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
126								07/13/07	<b>Chief Scientist, NPS Pacific West Region ENGAGES IN IMPROPER COUNSEL</b>	David Graber in an email to Sarah Allen <b>provides suggestions to help her rebut Goodman's criticisms so that certain points will get "gently hammered home"</b> It is Graber's ethical responsibility to investigate by <b>locking down the data and notebooks and examining the data himself. DOI code of Scientific Conduct requires Graber place objectivity of scientific activities ahead of allegiance to individuals or organizations.</b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
127								07/15/07	<b>Grosholz LETTER to Allen</b>	Prof. Edwin (Ted) Grosholz (UC Davis), one of the scientists invited by Allen to help her "revise her 'response to Goodman / the Sept 18 'clarification' document" wrote to Allen, " <b>However, the location of the pupping sites within the Estero and behavioral data documenting harassment of harbor seals by boats may be a more sensitive indicator of the impacts of oyster culture activities. <u>I have not had access to this report, so my comments cannot extend beyond this.</u></b> "	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
128									<b>Grosholz AGREES WITH GOODMAN'S FINDINGS</b>	"In closing, <b><u>I agree with Dr. Goodman</u></b> that <b><u>there are precious few data on which to base an assessment</u></b> of the impacts of oyster Mariculture on the ecological health of Drake's Estero."	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
129								07/19/07	<b>EAC REVEALS source</b>	Fred Smith, Executive Director of EAC, at a meeting in Goodman's office, told Goodman that the <b>claims and quotes of data in the May 1 article</b> co-authored by EAC <b>came from the PRNS</b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>

Chronology

	A	B	C	D	E	F	G	H	I	J	K
130								07/21/07	<b>DOI Solicitor Attorney Ross REFUSES TO FOLLOW UP</b>	Goodman presents power point presentation to Molly Ross. <b>As of December 2007 they have not followed up on the allegations of scientific misconduct as mandated by Federal policy.</b> They have not provided Goodman with some of the key data and other documents requested by FOIA. <b>In ignoring these claims of scientific misconduct, and not investigation them, they too have violated Sections III, IV, and V of the OSTP policy.</b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
131								07/21/07	<b>Senator Feinstein / OLEMA MEETING</b>	Feinstein Olema meeting with Kinsey, NPS Director Mary Bomar, Regional Director Jon Jarvis, Superintendent Neubacher, DOI Solicitor's Office attorney Molly Ross, and Dr Corey Goodman and Kevin Lunny	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
132								07/21/07	<b>ALTERED MAP SHOWN to Goodman</b>	Lunny showed Goodman the 2005 map as well as the map altered sometime in 2007 by Neubacher and Allen. <b>Without disclosure to CDFG or DBOC 2007, THIS IS SCIENTIFIC MISCONDUCT AS DEFINED BY THE 1992 NAS COSEPUP PANEL AND THE 2000 OSTP FEDERAL POLICY.</b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
133									<b>Neubacher CAUGHT IN LIE TO FEINSTEIN</b>	In meeting with Feinstein, <b>Neubacher denies making threats.</b> Kinsey turned to Don and said "Don, don't you remember our meeting at PRNS, you, me and my aide Liza Crosse, where <b>you showed us the "War Room" and stated DBOC committed "environmental felonies" and that work on DBOC permits is halted. You claimed evidence for ecological harm is overwhelming warranting extreme measures that would include civil and criminal action and that Lunny should expect jail time?" Neubacher remained silent</b> while Kinsey confirmed threats towards DBOC by Neubacher in April.	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
134								7/21/07 and 7/22/07	<b>MISCONDUCT EXPOSED BY Dr. Corey Goodman, MEMBER OF NAS, IN "A CASE OF SCIENTIFIC FRAUD"</b>	<b>A Case of Scientific Fraud:</b> A pattern of intentional misrepresentation of science by the PRNS in its claims of negative impact of the oyster farm on Drakes Estero. <b>Submitted to DOI SOLICITOR Ross</b> that day and <b>REGIONAL DIRECTOR Jarvis</b> the next day.	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
135								07/21/07	<b>Feinstein demands NPS report taken off website</b>	Feinstein persuaded NPS Director Bomar to take NPS Drakes Estero Report off NPS website	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
136								07/21/07	<b>Jarvis MISREPRESENTS review</b>	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. <b>Jarvis stated the PRNS had sought review of the report and Goodman's reports from "9 OUTSIDE SCIENTISTS", and that a PRNS rebuttal report would be forthcoming. Most turned out to be NPS employees or sympathizers from environmental groups.</b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
137									<b>Feinstein and NPS Director ORDER INDEPENDENT REVIEW</b>	Senator Dianne Feinstein <b>insists NPS not release new report in which they had reviewed themselves</b> , but rather <b>get the Drakes Estero Report reviewed by a truly independent outside panel</b> , and moreover that they <b>provide the names and reviews to Goodman</b> so that he might see who they used, what they were provided and asked to do, and what they had said. Order independent review of NPS science at Point Reyes by National Academy of Sciences (i.e., Sheltered Wilderness report)	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>



Chronology

	A	B	C	D	E	F	G	H	I	J	K
138									Feinstein DEMANDS FOIA request be honored	Feinstein <u>demands NPS provide FOIA requested data. Only some data arrive, and not until on 8/13</u>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
139								07/22/07	Goodman EMAILED SUMMARY of meeting	Via email, <u>Goodman summarized action items from the July 21 Olema meeting including</u> , amongst others that 1) Jarvis, Moore, and Goodman, <u>work together to get the Drakes Estero Report properly reviewed by an independent outside panel</u> ; 2) <u>JARVIS NOT RELEASE PRNS REVIEW AND REBUTTAL</u> AND 3) <u>Jarvis PROVIDE GOODMAN WITH THE 9 OUTSIDE REVIEWS COLLECTED BY PRNS</u>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
140								07/22/07	GOODMAN MAKES PRESENTATION to Jarvis	Goodman provides same power point presentation to Jarvis	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
141								07/23/07	NPS Drakes Estero REPORT TAKEN OFF WEBSITE	NPS removes DEASWE from it's web site	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
142								07/25/07	MISQUOTES termed MIS-INTERPRETATIONS	<u>Instead of saying</u> that he (Neubacher) <u>misquoted</u> Anima's USGS study, <u>he wrote "The NPS incorrectly interpreted the report ..."</u> and thus <u>confused misrepresentations of facts with "an error of interpretation"</u> . <u>Neubacher and Allen misrepresented and misquoted Wechsler's study as saying the opposite of what Wechsler actually reported. They describe their error as one of "interpretation"</u> Neubacher ended his correction with the comment: <u>"NPS acknowledges the errors and will periodically update information when corrections and new information are available."</u> By Sept 18, 2007, <u>they had essentially fully retracted the harbor seal, oyster feces, and fish claims however, they never updated this correction on their website. THIS IS SCIENTIFIC MISCONDUCT AS DEFINED BY THE 1992 NAS COSEPUP PANEL AND THE 2000 OSTP FEDERAL POLICY</u>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
143								07/30/07	Jarvis MISREPRESENTS review as PEER	Jarvis emails Goodman stating "Outside scientists had reviewed the Drakes Estero document. <u>(they had not)</u>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
144									UNETHICAL PROCESS	<u>None</u> of the "outside reviewers" <u>was asked to review the official NPS Drakes Estero Report or the Goodman May 8 or May 29 reports.</u>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
145									UNETHICAL PROCESS	All "outside reviewers" <u>were provided Allen's "response to Goodman"</u> and <u>asked to help rebut Goodman's criticisms.</u>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
146									UNETHICAL PROCESS	" <u>Outside reviewers</u> " comprised of <u>NPS employees, NPS-sponsored scientists, Co-Authors of the report being reviewed, current or past collaborators on the report being reviewed, former colleagues who have worked at PRNS, or local supporters. NONE TRULY INDEPENDENT.</u>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
147									UNETHICAL PROCESS	Many " <u>outside reviewers</u> " <u>did not have access to the NPS database. None given Anima's 1991 USGS report. None reviewed the Drakes Estero Report, the very reason for the review.</u>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>

Chronology

	A	B	C	D	E	F	G	H	I	J	K
148								07/31/07	<b>FOIA APPEAL DENIED</b>	The COI responded that they <b>WOULD NOT PROCESS GOODMAN'S APPEAL - THEY DID NOT HAVE TIME - STATE THAT GOODMAN COULD SEEK JUDICIAL REVIEW. NOT THE RESPONSE REQUIRED BY LAW,</b> LET ALONE WHAT A SCIENTIST EXPECTS TO HEAR WHEN SEEKING DATA. Access is not honored until mid-summer 2011.	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
149								08/08/07	<b>Jarvis DENIES EXISTENCE OF DATA</b>	Jarvis denies the existence of harbor seal legacy data from 1973 to 1997 which is referenced in numerous Allen publications.	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
150								08/17/07	<b>Jarvis FAILS TO INVESTIGATE</b>	Jarvis states he has not investigated Goodman's claims vs. the data	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
151									<b>Jarvis FAILS TO FOLLOW THROUGH</b>	Jarvis says Graber will provide the missing data. (still do not have it!)	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
152									<b>FOIA DOCS GIVEN to Bennett</b>	Jarvis releases clarification document requested under FOIA by Gordon Bennett to Gordon Bennett	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
153									<b>Neubacher GIVES "CLARIFICATION" document to local paper</b>	Neubacher gave clarification document to reporter at the West Marin Citizen ignoring agreement made at July 21 meeting with Feinstein	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
154									<b>FOIA DOCS TO PRNS SUPPORTERS</b>	FOIA requests by PRNS supporters honored	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
155									<b>Bennett GIVEN ACCESS TO SEAL DATA</b>	Gordon Bennett given access to Harbor Seal Data denied to Goodman	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
156									<b>Jarvis PARTICIPATED IN CAMPAIGN TO DISCREDIT GOODMAN</b>	<b><u>Rather than investigating Neubacher, Jarvis participated in public relations campaign to discredit Goodman,</u></b> the scientist and NAS member who brought allegations.	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
157									<b>Jarvis and Neubacher ATTEMPT COVER-UP, DISCREDIT, BLUNT CRITICISM AND CONTINUE TO HARM LUNNYS</b>	Jarvis, in coordination with Neubacher, <b><u>work to cover up the misconduct, discredit the accuser and blunt public criticism,</u></b> and <b><u>thereby continue harm to Lunny, Lunny family and Lunny family farm</u></b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
158								08/17/07	<b>Reviewers neither PEER nor OUTSIDE</b>	At a meeting in Jarvis' office, Jarvis handed Goodman a list of the now 11 (vs. 9 originally claimed to have reviewed) "outside peer reviewers". <b><u>Nearly half were NPS employees or collaborators or Sarah Allen co-authors of the original Drakes Estero Report or NPS-sponsored scientists.</u></b> Still <b><u>others are local supporters, former colleagues who have worked at PRNS.</u></b> <b><u>Jarvis told Goodman he was working on getting him the actual reviews, claiming privacy issues that he said required getting each reviewer's approval. THAT IS NOT HOW THE SCIENTIFIC REVIEW PROCESS IS SUPPOSED TO WORK.</u></b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
159								08/20/07	<b>Graber FAILS TO FOLLOW UP</b>	Graber admits to Goodman <b><u>he knew nothing about harbor seal database.</u></b> Stated <b><u>he would find out about the 25 years of excluded data, and the database key in get back to Goodman in early September. To date he has not gotten back.</u></b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>

Chronology

	A	B	C	D	E	F	G	H	I	J	K
160									Jarvis and Neubacher COLLABORATE	Jarvis and Neubacher coordinated release of "clarification" document to local press and environmental groups and present it as a peer review (it is not) which vindicates Neubacher claims and official report (it does not).	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
161									Jarvis FAILS TO PERFORM REVIEW	"Clarification document" concludes "No data have been presented to support the claim of ecological benefits to Drakes Estero from DBOC" - NO SUCH CLAIM WAS MADE	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
162							08/28&29	MMC MEETING does not include DBOC	When the Marine Mammal Commission next met on August 28 & 29, Drakes Estero was not on their agenda. <b>If this was an urgent issue of "national significance", AS TESTIFIED TO BY NEUBACHER AND ALLEN to the Marin Co. Bd. of Supervisors in May</b> , then they should have followed up immediately. <b>If it wasn't, then they should not have made these FALSE CLAIMS.</b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>	
163							09/11/07	CCC letter to DBOC BASED ON REFUTED SCIENCE AND STATEMENTS	The California Coastal Commission relied heavily on Neubacher's and Allen's claims, and ultimately on Allen's April 26 Trip Report in writing "Effects of Oyster Mariculture on the Natural Resources in Drake's Estero", by Dr. John Dixon, Ca. Coastal Comm., Sept 11, 2007. <b>Dixon mentioned nothing about the NPS public accusations from April and May, exclusively cited Allen's April 26 Trip report as sole evidence of harm to harbor seals. THIS IS SCIENTIFIC MISCONDUCT AS DEFINED BY THE 1992 NAS COSEPUP PANEL AND THE 2000 OSTP FEDERAL POLICY.</b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>	
164							09/18/07	Jarvis SENDS "clarification" document	Jarvis' office SENDS THE DOCUMENT THAT FEINSTEIN SPECIFICALLY INSISTED THEY NOT RELEASE, AND THAT THEY AGREED NOT TO RELEASE. The "reviews" provided were not scientific peer-reviews of the kind with which the NAS and scientific community have familiarity, but were a random set of personal emails with Sarah Allen and revisions of Allen's "response to Goodman" document (which became the "clarification" document). Moreover, these were not reviews of the NPS Drakes Estero Report. The document is a disguised retraction of Neubacher's and Allen's previous claims. It appears none of the outside reviewers was asked to review the official NPS Drakes Estero Report. It appears as if the NPS Report was not sent to most or all of them for review.	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>	
165								CONTINUED	The first sentence states that it is in response to Goodman's May 8 and May 29 reports however it is unclear whether any of them was sent the May 29 report. Some were provided Goodman's May 8 report, all were provided Allen's "response to Goodman" draft and all were asked to help rebut Goodman's criticisms. Many did not have access to the NPS database. None were apparently given Anima's 1991 USGS report. We are not told what they received. This is not peer-review as defined by the NPS or the NRC. It is clearly is not good scholarly practice as required by NPS management policies. THIS DOCUMENT IS IN VIOLATION OF THE OSTP FEDERAL POLICY ON RESEARCH MISCONDUCT BECAUSE IT MASQUERDES AS AN OBJECTIVE PEER-REVIEW AND INVESTIGATION WHEN IT IS NOT.		
166								Jarvis and Neubacher FAIL TO FOLLOW DOI CODE OF SCIENTIFIC CONDUCT	Even though they essentially fully retracted the harbor seal, oyster feces, and fish claims on Sept 18, 2007, they never updated this correction on their website. Jarvis and Neubacher failed to follow the DOI Code of Scientific Conduct. THIS IS SCIENTIFIC MISCONDUCT AS DEFINED BY THE 1992 NAS COSEPUP PANEL AND THE 2000 OSTP FEDERAL POLICY.	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>	

Chronology

	A	B	C	D	E	F	G	H	I	J	K
167									<b>Jarvis and Neubacher release MISLEADING REPORT</b>	Represented as a true peer review, and that it vindicates Neubacher's claims and official report Jarvis and Neubacher coordinated the release of the "clarification" document. The report is neither peer review nor does it vindicate Neubacher's claims and report. <b><u>THIS IS SCIENTIFIC MISCONDUCT AS DEFINED BY THE 1992 NAS COSEPUP PANEL AND THE 2000 OSTP FEDERAL POLICY.</u></b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
168								09/26/07	<b>JARVIS reports NAS OSB TO UNDERTAKE REVIEW</b>	Jarvis letter to Woolsey states: "At the July 21 meeting we agreed to a review of the park news report by an independent science review" and chose NAS Ocean Studies Board to undertake it.	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
169								10/15/07	<b>Allen and Neubacher INTENTIONALLY MISLEAD CCC</b>	California Coastal Commission Staff Scientist Dr. John Dixon said to Kevin Lunny of DBOC <b>HE NEVER LOOKED AT THE NPS DATABASE, NEVER COLLECTED HIS OWN DATA, HAD RELIED ON THE NPS AND THAT FABRICATING DATA WOULD BE THE WORST POSSIBLE OFFENSE IN THE WORLD.</b> His recommendations were based on a doctored map. <b><u>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.</u></b> Allen has continuously monitored the harbor seals from '73 to present. 30 years of observations led to one boundary in '05 separating the oyster bag area from the seal haul-out and pupping area. <b><u>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, but withheld it from Lunny (DBOC) and Moore (MMC).</u></b> CCC was intentionally misled. <b><u>THIS IS SCIENTIFIC MISCONDUCT AS DEFINED BY THE 1992 NAS COSEPUP PANEL AND THE 2000 OSTP FEDERAL POLICY</u></b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
170								10/22/07	<b>DOI requests closure of appeal</b>	Darrell Strayhorn from <b><u>DOI FOIA office calls saying PRNS had claimed to her they had sent Goodman all data requested. However, missing was the legacy harbor seal data from 1973 to 1996. This database was created with tax dollars and is intended to be available to any interested scientist.</u></b> What data was sent, was without the key to interpret its abbreviations. <b><u>They denied the existence of their data from '73 to '96 EVEN THOUGH IT IS CITED IN MULTIPLE SARAH ALLEN PUBLICATIONS (Sydeman and Alle, 1999) and called the legacy database in NPS reports. An inventory and monitoring program document (Hester et al.) states that the "legacy databases" (i.e., those prior to the new system in '97) are available in Excel and MS Access.</u></b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
171								10/23/07	<b>DBOC LETTER TO NEUBACHER</b>	Asks when and why new map altered boundary created, why the map was undated and if any documentation existed to support the new boundary. Neubacher did not respond until November 21	
172								11/11/07	<b>GOODMAN SUBMITS CASE to DOI</b>	Case for Scientific Misconduct submitted to DOI Inspector General	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
173									<b>DOI REFUSES TO CONSIDER misconduct</b>	DOI responded they "do not have scientists, could not consider scientific misconduct, hoped NRC/NAS would do so"	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
174									<b>DOI DID NOT ANALYZE science</b>	IG Report "We did not, however, analyze the science involved."	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>

Chronology

	A	B	C	D	E	F	G	H	I	J	K
175								11/21/2007	<b>Neubacher RESPONSE to DBOC</b>	As to <b>why the map was undated</b> , Neubacher responded that it was <b>created as an insert to the April 13 and April 26 Trip Reports</b> . As to <b>when it was created</b> , Neubacher responded that the PDF was <b>created on April 27</b> . As to <b>why the boundary was drawn as it was</b> , Neubacher responded the map <b>represented fluctuations in harbor seal haul-out areas</b> . As to <b>whether any documentation existed to support the new boundary</b> , Neubacher responded <b>"NO FORMAL DOCUMENTS EXIST. THE CHANGE WAS MADE BASED ON FIELD OBSERVATIONS AND EXPERT OPINION."</b> As to <b>why it was not provided to DBOC</b> , Neubacher responded that it was not provided <b>because it was simply part of the Trip Reports</b> . <b><u>THIS IS SCIENTIFIC MISCONDUCT AS DEFINED BY THE 1992 NAS COSEPUP PANEL AND THE 2000 OSTP FEDERAL POLICY.</u></b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
176									<b>CONTINUED</b>	<b>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. <u>THIS IS SCIENTIFIC MISCONDUCT AS DEFINED BY THE 1992 NAS COSEPUP PANEL AND BY THE 2000 OSTP FEDERAL POLICY</u></b>	
177								12/11/07	<b>ABC7/KGO news reveals admission NPS had NO SUPPORTING DATA</b>	<b>Ken Miguel of ABC7/KGO news</b> announced on the evening news by revealing an email (dated April 24, 2007) that he had <b>obtained through the Freedom of Information Act (FOIA) from the NPS</b> . Sarah Allen wrote an email to Joe Cordaro of the National Oceanic and Atmospheric Administration, cc Don Neubacher, that as of April 24, 2007, <b><u>the park service had "no direct observations" of the oyster farm disturbing the harbor seals.</u></b> This email <b>proves Allen and Neubacher knew they had no data throughout April and leading up to their May 8th false testimony and fabricated reports. THIS IS SCIENTIFIC MISCONDUCT AS DEFINED BY THE 1992 NAS COSEPUP PANEL AND BY THE 2000 OSTP FEDERAL POLICY</b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
178								12/12/07	<b>Feinstein calls for DISCIPLINARY ACTION</b>	<b>Senator Dianne Feinstein said to ABC7 news "If the Park Service did in fact manipulate data, this is a serious matter, which <u>should result in disciplinary action.</u>"</b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
179								12/12/07	<b>Goodman case SUBMITTED TO OSB</b>	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.	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
180								12/18/07	<b>NPS DIRECTOR REFUSED TO RESPOND</b>	NPS Director Mary Bomar NEVER RESPONDED to Goodman	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
181								12/18/07	<b>Goodman case SUBMITTED TO NRC/NAS AT REQUEST OF NRC</b>	NRC/NAS responded they would no comment on misconduct, outside scope of study	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>

Chronology

	A	B	C	D	E	F	G	H	I	J	K
182								12/18/07	<p><b>Goodman case SUBMITTED TO NAS OSB Susan Roberts</b></p>	<p>Neubacher's and Allen's scientific misrepresentations include fabrication, falsification, and selective omission of data. - <b>the data on Drakes Estero is from NPS, USGS, CDFG, and UC DAVIS, was commissioned by NPS, was funded with Federal dollars, and the data is in 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</b></p>	<p><a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a></p>
183									<p><b>SCIENTIFIC MISCONDUCT</b></p>	<p>The conclusion from analysis of the '97-'07 NPS data in the NPS database is Neubacher and Allen REPEATEDLY MISREPRESENTED THEIR OWN HARBOR SEAL DATA IN THEIR PUBLIC TESTIMONY, PUBLISHED REPORTS, AND PRESENTATIONS TO GOVERNMENT AGENCIES. <b>THEY COMMITTED SCIENTIFIC MISCONDUCT AS DEFINED BY THE 1992 NAS COSEPUP PANEL AND BY THE 2000 OSTP FEDERAL POLICY, AND DID SO REPEATEDLY.</b></p>	<p><a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a></p>
184									<p><b>FABRICATIONS</b></p>	<p>Neubacher, Allen, and Bennett <b>failed to tell us that the oyster farm had nothing to do with the relocation of seals.</b> Sandbar A - the subsite that the seals avoided this Spring - gets the largest number of disturbances, mostly from Park visitors (hikers, horseback riders, clambers, kayakers), and also the most disturbances by predators (coyotes). <b>THERE ARE NO RECORDS IN THE NPS DATABASE OF DISTURBANCES BY THE OYSTER FARM AT SANDBAR A BECAUSE IT NOT ONLY IS OUTSIDE THE DBOC LEASE AREA AND FAR FROM THEIR LEASED AREA, BUT ALSO HUNDREDS OF YARDS FROM THEIR OYSTER BAGS AND OYSTER BOATS.</b></p>	<p><a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a></p>
185									<p><b>FABRICATIONS</b></p>	<p>The west shore of island UEN has many oyster bags, most nearly one half MILE away from the seals, consistent with the CDFG lease and historic practice. THE OYSTER BAGS AND HARBOR SEALS HAVE BEEN PEACEFULLY COEXISTING ON DIFFERENT SIDES OF ISLAND UEN FOR DECADES. Thus <b>there is no factual basis for Neubacher's, Allen's, and Bennett's claims of DBOC cause for 80% reduction of harbor seals. This claim was FABRICATED. THIS IS SCIENTIFIC MISCONDUCT AS DEFINED BY THE 1992 NAS COSEPUP PANEL AND THE 2000 OSTP FEDERAL POLICY.</b></p>	<p><a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a></p>
186									<p><b>FABRICATIONS</b></p>	<p>NPS data shows no oyster bags on sandbar A. DBOC workers have not placed oyster bags on sandbar A, have no reason to go to sandbar A and the NPS harbor seal database has no records of oyster bags or disturbances by oyster workers at sandbar A. <b>ACCORDING TO NPS DATABASE, SANDBAR A IS THE SITE THE SEALS ABANDONED IN '07 DUE TO DISTURBANCES FROM PRNS VISITORS. Neubacher and Allen fabricated this claim of cause and effect by oyster bags. This claim was FABRICATED. THIS IS SCIENTIFIC MISCONDUCT AS DEFINED BY THE 1992 NAS COSEPUP PANEL AND THE 2000 OSTP FEDERAL POLICY.</b></p>	<p><a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a></p>

Chronology

	A	B	C	D	E	F	G	H	I	J	K
187									<b>FABRICATIONS</b>	The oyster bags on island UEN are located on the west side of the island as they have been for DECADES. According to CDFG and DBOC, they were not moved this year. The harbor seals haul-out on the EAST side as they have been for DECADES. The harbor seals have not moved this year. NEUBACHER AND ALLEN ALTERED THE BOUNDARY OF THE HAUL-OUT AREA ON THEIR MAP SO THAT IT NOW INCLUDED THE WEST SIDE OF THE ISLAND AND INCLUDED THE OYSTER BAGS. This claim is FABRICATED. <u>THIS IS SCIENTIFIC MISCONDUCT AS DEFINED BY THE 1992 NAS COSEPUP PANEL AND THE 2000 OSTP FEDERAL POLICY.</u>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
188									<b>FALSE ACCUSATIONS of DBOC REVEALED</b>	PRNS made one false accusation after another in terms of the impact of the oyster farm on the harbor seals. <u>This is NOT AN ISSUE OF INTERPRETATION, BUT RATHER IT IS AN ISSUE OF DELIBERATE AND FLAGRANT MISREPRESENTATION OF THE FACTS.</u> PRNS TOOK THE 80% REDUCTION OF SEALS AT SANDBAR A IN '07 SELECTIVELY, COMPARED TO '05, AND MISREPRESENTED THIS REDUCTION AS CAUSED BY DBOC, AS BEING OF NATIONAL SIGNIFICANCE AND NONE OF THEIR CLAIMS ARE SUPPORTED BY THEIR OWN NPS DATABASE. <u>THIS IS SCIENTIFIC MISCONDUCT AS DEFINED BY THE 1992 NAS COSEPUP PANEL AND THE 2000 OSTP FEDERAL POLICY.</u>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
189									<b>FAILURE TO REPORT</b>	PRNS failed to point out the overall number of seals and pups in Drakes Estero was normal in '07 as defined by NPS data management protocols. Other harbor seal colonies along the PRNS coast had GREATER fluctuations in '07 than Drakes Estero. <u>SELECTIVE OMISSIONS ARE AS IMPORTANT AS MISREPRESENTATIONS. THIS IS SCIENTIFIC MISCONDUCT AS DEFINED BY THE 1992 NAS COSEPUP PANEL AND THE 2000 OSTP FEDERAL</u>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
190									<b>FABRICATIONS</b>	Neubacher claimed the number of pups was seriously down in '07 and due to DBOC. NPS data show the overall number of pups was normal in '07. Neubacher and his own NPS data are in conflict. <u>THIS IS SCIENTIFIC MISCONDUCT AS DEFINED BY THE 1992 NAS COSEPUP PANEL AND THE 2000 OSTP FEDERAL POLICY.</u>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
191									<b>FABRICATION AND FALSIFICATION</b>	Blaming relocation of seals from sandbar A to island UEN on DBOC WAS NOT A SIMPLE ERROR OF INTERPRETATION. <u>WHEN AN INSTITUTION'S CONCLUSIONS CONFLICT SO OBVIOUSLY WITH IT'S OWN DATA, IT IS IMPOSSIBLE TO DISMISS IT AS AN HONEST ERROR.</u> FALSE CLAIMS WERE MADE ABOUT THE NPS DATA, FALSE CLAIMS WERE MADE ABOUT CAUSE AND EFFECT, THIS IS FABRICATION AND FALSIFICATION. <u>THIS IS SCIENTIFIC MISCONDUCT AS DEFINED BY THE 1992 NAS COSEPUP PANEL AND THE 2000 OSTP FEDERAL POLICY.</u>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>

Chronology

	A	B	C	D	E	F	G	H	I	J	K
192								12/18/07	<b>GOODMAN INSISTS NAS ADDRESS MISCONDUCT</b>	Letter to Susan Roberts, PhD, director, Ocean Studies Board, National Research Council, National Academy of Sciences from Goodman, Re: violations of white house office of science and technology policy (OSTP) alleges: <b>Neubacher, Allen, Jarvis and Graber broke Code of Scientific Conduct engaging in scientific misconduct. Neubacher's and Allen's scientific misrepresentations include fabrication, falsification, and selective omission. They and Molly Ross in DOI Solicitor's Office violated Federal policy on research misconduct established by OSTP in 2000. Faced with serious written allegations against Neubacher and Allen by a member of NAS, Neubacher and Allen participated in primary scientific misconduct. Jarvis, Graber, and Ross did not properly investigate in an objective and timely fashion and are also in violation of OSTP. THIS IS SCIENTIFIC MISCONDUCT AS DEFINED BY THE 1992 NAS COSEPUP PANEL AND THE 2000 OSTP FEDERAL POLICY.</b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
193									<b>Goodman insists NRC OSB focus efforts on answering specific questions</b>	Goodman requests that the NRC OSB focus their efforts on answering specific questions regarding public testimony, versions of the NPS Drakes Estero Report, and the "Clarification" document.	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
194									<b>OSB Denies Intention to Investigate Misconduct</b>	RE: NAS Report "This study was never intended to be an inquiry of potential scientific misconduct, and will make no such determination."	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
195								2007	<b>NPS DATABASE REVEALS every harbor seal claim on May 8 FABRICATED OR FALSIFIED</b>	NPS database shows more seals this year on the east side sandbar of island UEN adjacent to the deep water channel and separate from the oyster bags; nothing in the database indicates seals moved to the west side of island UEN. The number of seals at UEN went up in 2007. <b>Sandbar A however, that has nothing to do with DBOC</b> , saw a reduction in the number of seals. <b>THIS IS SCIENTIFIC MISCONDUCT AS DEFINED BY THE 1992 NAS COSEPUP PANEL AND THE 2000 OSTP FEDERAL POLICY.</b>	<a href="http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf">http://mmc.gov/drakes_estero/pdfs/ltr_goodman_ro_b_121807.pdf</a>
196								01/31/08	<b>NPS Policy Guidance Document issued</b>	NPS issues Policy Guidance Document contemporaneous to DOI investigation. The actual policy should have been written and in effect since 2001, 12 months after it became a FEDERAL REGULATION.	<a href="http://www.nature.nps.gov/publications/NRPM/assets/docs/NPS_draft_peer_review.pdf">http://www.nature.nps.gov/publications/NRPM/assets/docs/NPS_draft_peer_review.pdf</a>
197								02/09/08	<b>NPS STATES Ranches provide Quality Food</b>	"The creation of the National Seashore in 1962 ... creating the park provided funds to purchase ranch land, which the park then leased back to the ranchers. Today there are sixteen operating ranches... six dairy, nine beef, and one combination beef and dairy. These ranches have kept up with modern agricultural techniques.... <b>the ranches still serve the same role in our society, providing quality food for the greater San Francisco area.</b> "	<a href="http://www.nps.gov/pore/planyourvisit/upload/sitebulletin_ranching_080209.pdf">http://www.nps.gov/pore/planyourvisit/upload/sitebulletin_ranching_080209.pdf</a>
198									<b>Partnership between NPS and Stewards of our heritage - RANCHERS</b>	"The five- to twenty-year leases have created a <b>partnership between the National Park Service and the ranchers as stewards of our heritage. Together, ranchers and the NPS protect and preserve the land as well as the rich cultural landscape of agricultural history. Dairy cattle still dot the landscape as they have for over a hundred years. Point Reyes still provides fresh and healthy food to the nearby urban population. When you drive through the Pastoral Zone, you drive into a place where the past is still evident...</b>	<a href="http://www.nps.gov/pore/planyourvisit/upload/sitebulletin_ranching_080209.pdf">http://www.nps.gov/pore/planyourvisit/upload/sitebulletin_ranching_080209.pdf</a>



Chronology

	A	B	C	D	E	F	G	H	I	J	K
199								03/23/08	<b>NPS CREATES UNSUPPORTED REPORT</b>	Claims DBOC motor boat disturbed the seals. A Sunday, no workers or boats out. Progression of UFOs is so slow as to indicate kayaker. <b><u>THIS IS SCIENTIFIC MISCONDUCT AS DEFINED BY THE 1992 NAS COSEPUP PANEL AND THE 2000 OSTP FEDERAL POLICY.</u></b>	
200								Apr-08	<b>SUP</b>	USDOI issues Special Use Permit to DBOC	<a href="http://www.nps.gov/pore/parkmgmt/loader.cfm?csModule=security/getfile&amp;PageID=396093">http://www.nps.gov/pore/parkmgmt/loader.cfm?csModule=security/getfile&amp;PageID=396093</a>
201								04/01/08	<b>NAS/NRC INVESTIGATION COMMENCES</b>	NAS, NRC BEGINS 14-MONTH INVESTIGATION COSTING \$400,000.00, (\$28,571.42/mo)	<a href="http://www.nap.edu/openbook.php?record_id=12667&amp;page=R1">http://www.nap.edu/openbook.php?record_id=12667&amp;page=R1</a>
202								05/01/08	<b>MMC INVESTIGATION COMMENCES</b>	MMC begins an investigation.	
203								07/11/08	<b>DOI FINDS NPS VIOLATED FEDERAL REGULATION</b>	<b>DOI Inspector General Investigative Report on PRNS finds NPS did not have a "Scientific Code of Conduct in place"</b>	
204									<b>DOI FINDS INTENTIONAL fabrications and DELIBERATE omissions</b>	<b>DOI finds Intentional fabrication and falsification and deliberate omissions by Neubacher and Allen, Violation of Sections I.1 and I.2 of OSTP Federal Policy on Research Misconduct</b>	
205									<b>Attempt to Cover Up misconduct and prevent investigation?</b>	DESPITE THE ABSENCE of an NPS Scientific Code of Conduct, there exists an OVERARCHING FEDERAL POLICY ON RESEARCH MISCONDUCT. <b>Consider the following sections of that policy which may apply to this situation pertaining to Fabrication, Falsification, or Deliberate Omissions, as well as Attempts to cover up.</b> Violations of Sections III.3, IV.1, IV.4, V.1 and V.2 of OSTP Federal Policy on Research Misconduct.	
206									<b>Failure to Properly Investigate?</b>	DESPITE THE ABSENCE of an NPS Scientific Code of Conduct, there exists an OVERARCHING FEDERAL POLICY ON RESEARCH MISCONDUCT. <b>Consider the following sections of that policy which may apply to this situation pertaining to investigations of claims.</b> Violations of Sections III.3, IV.1, IV.4, V.1 and V.2 of OSTP Federal Policy on Research Misconduct	
207								2008	<b>DOI IG FINDS PRNS ENGAGED IN SCIENTIFIC MISCONDUCT</b>	<b>Dept of Interior's Inspector General published report on investigation of PRNS. The IG found PRNS engaged in scientific misconduct and exposed part of their misconduct</b>	

NAS, NRC PANEL BEGINS APRIL 2008 Ends May 2009  
 MMC PANEL begins May 2008

	A	B	C	D	E	F	G	H	I	J	K
208								07/21/08	<b>DOI IG: NPS "MIS-REPRESENTED" SCIENCE</b>	The DOI IG report concludes NPS " <i>misrepresented</i> " NPS science at Point Reyes	
209								09/04/08	<b>Aqua MV mtg. BECKER 2008, FLAWED REPORT PRESENTED TO NAS</b>	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. <b><u>THIS IS SCIENTIFIC MISCONDUCT AS DEFINED BY THE 1992 NAS COSEPUP PANEL AND THE 2000 OSTP FEDERAL POLICY.</u></b> Report is seriously flawed, withdrawn and rewritten.	
210									<b>3 VERSIONS OFFERED TO EXPLAIN UNDOCUMENTED DECLINE in #'s of seals</b>	Sixteen months after NPS made 80% decline claim against DBOC, and having previously refused to answer questions of how NPS derived this claim, Dr. Becker, and later, Neubacher and Jarvis gave three different explanations. <b><u>THIS IS SCIENTIFIC MISCONDUCT AS DEFINED BY THE 1992 NAS COSEPUP PANEL AND THE 2000 OSTP FEDERAL POLICY.</u></b>	
211								2008	<b>NO NOTIFICATIONS OF REVISIONS, NO COPIES PROVIDED TO Lunnys</b>	PRNS Red Barn Meeting Becker, Allen, Press present revised Becker Report and answered questions by Thompson. Revision not provided to Lunny prior to this meeting as agreed to in Feinstein meeting in July 21, 2007 and <b><u>THIS IS SCIENTIFIC MISCONDUCT AS DEFINED BY THE 1992 NAS COSEPUP PANEL AND THE 2000 OSTP FEDERAL POLICY.</u></b>	
212								01/18/09	<b>Goodman SUBMITS 28 page case for scientific misconduct to NPS</b>	Goodman alleges NPS committed misconduct in documents and presentations NPS gave to NRC/NAS	
213								02/03/09	<b>NRC FORWARDS Goodman letter of misconduct to Interior Secretary (Salazar)</b>	NRC forwards letter to Interior Secretary Salazar	
214									<b>Salazar FAILS TO RESPOND</b>	Salazar never responded	
215								02/03/09	<b>DBOC LETTER TO EXECUTIVE Dir OSB (Roberts)</b>	<b>DBOC writes to Dr. Susan Roberts, Executive Director Ocean Studies Board National Academy of Sciences, re no Becker II report received and informs her OF Becker II intentional misrepresentation of scientific information and mislead the Red Barn Panel</b>	<a href="http://www.mmc.gov/drakes_estero/pdfs/ltr_dboc_nrc_20309.pdf">http://www.mmc.gov/drakes_estero/pdfs/ltr_dboc_nrc_20309.pdf</a>
216								04/27/09	<b>Goodman letter of misconduct re-submitted to Salazar</b>	letters alleging scientific misconduct by NPS Regional Director Jon Jarvis submitted to DOI Secretary Ken Salazar	
217									<b>Salazar FAILS TO RESPOND</b>	Salazar never responded	

	A	B	C	D	E	F	G	H	I	J	K
218								04/27/09	<b>OBAMA TAKES STAND ON SCIENTIFIC INTEGRITY</b>	"...the days of science taking a back seat to ideology are over. ...To undermine scientific integrity is to undermine our democracy." President Barack Obama in speech o the National Academy of Sciences	
219								05/01/09	<b>GOODMAN UNCOVERS COVERT CAMERAS</b>	Anonymous Briefing Statement turns up: "NPS Response to Goodman's January 18, 2009 Letter to NRC", provided to NPS Regional Director Jon Jarvis; neither provided to Goodman nor NRC in which there is a notation about covert camera operation.	
220								05/05/09	<b>NAS VALIDATES ASSERTIONS NPS MISREPRESENTED OWN DATA IN EVERY CATEGORY INCLUDING HARM TO HARBOR SEALS</b>	May 5, 2009 -- 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 agrees	<a href="http://national-academies.org/morenews/20090502.html">http://national-academies.org/morenews/20090502.html</a>
221									<b>NAS RECOMMENDS DATE AND TIME STAMPED PHOTOS</b>	"...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."	<a href="http://www.nap.edu/openbook.php?record_id=12667&amp;page=46">http://www.nap.edu/openbook.php?record_id=12667&amp;page=46</a>
222								05/10/09	<b>Goodman RE-SUBMITS LETTER of scientific misconduct by Jarvis to SALAZAR</b>	letters alleging scientific misconduct by NPS Regional Director Jon Jarvis submitted to DOI Secretary Ken Salazar	<a href="http://www.nap.edu/openbook.php?record_id=12667&amp;page=47">http://www.nap.edu/openbook.php?record_id=12667&amp;page=47</a>
223									<b>Salazar FAILS TO RESPOND</b>	Salazar never responded	

Chronology

	A	B	C	D	E	F	G	H	I	J	K
224								05/14/09	White House Science Advisor (Holdren) REQUESTS CASE OF SCIENTIFIC MISCONDUCT	White House Science Advisor John Holdren asked Goodman to send detailed case of scientific misconduct against Regional Director Jon Jarvis who was being considered for NPS Director	
225								05/16/09	MISCONDUCT case RE-SUBMITTED to Salazar	21 point misconduct case submitted to Salazar	
226									Salazar FAILS TO RESPOND	Salazar never responded; sent Goodman's case to Jarvis	
227								05/17/09	Jarvis FAILS TO RESPOND TO TWO THIRDS OF POINTS RAISED	Jarvis responded to 7 of the 21 points, arguments <u>either directly contradicted his own testimony to IG or were straw-man. THIS IGNORES OBAMA'S DECLARATION THAT "...the days of science taking a back seat to ideology are over. ...To undermine scientific integrity is to undermine our democracy." in speech to the National Academy of Sciences THIS IS SCIENTIFIC MISCONDUCT AS DESCRIBED IN THE 1992 NAS COSEPUP PANEL AND 2000 OSTP FEDERAL POLICY AND IGNORES PRESIDENT OBAMA'S DEMAND FOR SCIENTIFIC INTEGRITY.</u>	
228								05/17-19/2009	Goodman sends Jarvis response to Holdren	Goodman sent Jarvis response to White House Science Advisor Holdren that Jarvis answers inadequate	
229								05/18/09	Jarvis SOLICITS SUPPORT FROM NRC panel chair (Peterson)	Jarvis wrote to NRC, said nomination "hangs in the balance", asked for NRC panel chair Pete Peterson to help.	
230								05/19/09	NRC Chair (Peterson) CONTRADICTS OWN PANEL'S STATEMENTS as well as NAS STATEMENTS	Peterson says NRC panel neither studied nor considered misconduct. Peterson wrote to Jarvis "...my opinion that those claiming scientific fraud or misconduct by NPS in the Drakes Estero case are simply wrong." and within minutes, Peterson email to Jarvis was in Salazar's office with note from Jarvis "I hope this puts the issue behind us."	
231				ADDITIONAL MMC R				June-09	SCMG AND NPCA CALL FOR REJECTION OF NAS REPORT, DEMAND MMC INVESTIGATION	Sierra Club Marin Group's Gordon Becker and National Parks Conservation Assn's Neal Desai send letter to Marine Mammal Commission asks them to reject the NAS report and investigate "serious harm to harbor seals as reported in Becker 2009". NPS supports this request criticizing NAS report and MMC agrees. This investigation is still ongoing as of September 2011. Combined with the first MMC report 37 MONTHS if calculated at the same rate as the NAS/NRC OSB report, so far MMC reports have cost \$1,057,142.54	

	A	B	C	D	E	F	G	H	I	J	K
					REPORT REQUESTED BY NPS AFTER NPS REJECTS FINDINGS OF NAS/NRC OSB REPORT			07/01/09	OSB REPORTS LACK OF 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. www.nap.edu "... <i>the committee concludes that there is a lack of strong scientific evidence that shellfish farming has major adverse ecological effects on Drakes Estero...</i> "	<a href="http://mmc.gov/drakes_estero/pdfs/nas_shellfish_mariculutre.pdf">http://mmc.gov/drakes_estero/pdfs/nas_shellfish_mariculutre.pdf</a> also see <a href="http://www.nap.edu/openbook.php?record_id=12667&amp;page=R1">http://www.nap.edu/openbook.php?record_id=12667&amp;page=R1</a>
232								07/08/09	DOI IG receives case for scientific misconduct, etc.	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	<a href="http://www.nap.edu/openbook.php?record_id=12667&amp;page=71">http://www.nap.edu/openbook.php?record_id=12667&amp;page=71</a>
233								07/10/09		Jarvis appointed Dir of NPS,	
234								07/14/09	Becker 2009 UNSUPPORTED REPORT	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 AND IGNORES PRESIDENT OBAMA'S DEMAND FOR SCIENTIFIC INTEGRITY.	<a href="http://onlinelibrary.wiley.com/doi/10.1111/j.1748-7692.2008.00234.x/abstract">http://onlinelibrary.wiley.com/doi/10.1111/j.1748-7692.2008.00234.x/abstract</a>
235								07/24/09	DOI ASSISTANT IG (DUPUY) STATES INVESTIGATED ONLY ONE of THIRTEEN allegations	Asst IG John Dupuy to Salazar's office: reported it received complaint one week earlier on July 15. IG focused only on first of 13 specific allegations, (just one of 13 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.	<a href="http://www.hcn.org/issues/41.13/what-we-got-here-is-a-failure-to-collaborate">http://www.hcn.org/issues/41.13/what-we-got-here-is-a-failure-to-collaborate</a>
236											

Chronology

	A	B	C	D	E	F	G	H	I	J	K
237								07/28/09	<b>Senate Committee Chairman SITES DOI IG report</b>	Senate Committee on Energy and Natural Resources Chairman Senator Bingaman, opened hearing on Jarvis nomination by stating "Let me note that committee is aware of an allegation of that was made against Mr. Jarvis relating to operation of an oyster farm at Point Reyes National Seashore. The Department of Interior's Office of Inspector General has completed an inquiry into that allegation and has reported that it has found no evidence to support that allegation." <b><u>Bingaman relied on DOI IG report which misrepresented statements made by Tomales Bay Association's President, Ken Fox.</u></b>	
238								08/24/09	<b>DOI ASSISTANT IG TELLS GOODMAN ONLY ONE ISSUE INVESTIGATED</b>	Asst IG John Dupuy told Goodman that <b><u>they only investigated one narrow procedural issue: could they prove whether Jarvis had authored or approved the secret non-public July 27, 2007 version of the Drakes Estero Report? No. So they stopped and never examined the detailed list of scientific misconduct allegations.</u></b>	WHY ONLY ONE "NARROW PROCEDURAL ISSUE"?
239									<b>DOI ASST. IG STATES NEVER LOOKED AT SCIENTIFIC ISSUES</b>	When asked <b><u>why</u></b> , Dupuy said <b><u>IG doesn't have scientists and doesn't investigate scientific misconduct - they never looked at scientific issues in the scientific misconduct case.</u></b>	Why didn't look at misconduct?
240									<b>DOI ASST. IG STATES INTERIOR DOES NOT HAVE INTEGRITY POLICY</b>	When asked <b><u>who</u></b> does, Dupuy said <b><u>not NPS, NOT DOI, NOT IG, NOT NAS, NOT MMC AND SUGGESTED INTERIOR NEEDED A SCIENTIFIC INTEGRITY POLICY</u></b>	
241								10/11/09	<b>Gordon Bennett CONFESSES to PERPETUATING NPS's unsubstantiated claims debunked by NAS</b>	On radio show with 50,000 people listening including Dr. Corey Goodman, Bennett repeats debunked NPS claims and states that the NPS report has been removed from the website. Dr. Goodman points out he is looking at the website and states the information is still there. <b><u>After the show Bennett admits to Tess Elliot, editor of Point Reyes Light newspaper ' The park knew it had no evidence when it made those charges,' He replied. As to why he would attach Sierra Club name to his "malfeasance of lying" he stated he did so as a buffer against lawsuit. 'Why don't you just tell the truth?' Lunny asked. 'Then you won't get sued.'</u></b>	<a href="http://www.thenation.com/article/Scientific-Integrity-Lost-Americas-Parks/web-letters">http://www.thenation.com/article/Scientific-Integrity-Lost-Americas-Parks/web-letters</a> (See fourth web letter down the page by Tess Elliott, Bolinas, CA 2009, 2009-10-04 14:14
242								Feb 2010	<b>Becker 2010 makes UNSUBSTANTIATED claims</b>	Becker present <b><u>Becker 2010, claiming correlation between oyster farm activity near harbor seal haul out areas associated with redistribution of seals away from oyster farm and even out of Drakes Estero. THIS IS SCIENTIFIC MISCONDUCT AS DEFINED BY NAS 1992 COSEPUP PANEL AND 2000 OSTP FEDERAL POLICY, PLUS IT IGNORES PRESIDENT OBAMA'S CALL FOR INTEGRITY IN SCIENCE</u></b>	
243									<b>Goodman and MMC panel members critique Becker 2010 to MMC</b>	Despite not having access to NPS data and computer docs, Dr. Goodman and MMC panel members critiqued aspects of Becker 2010, namely, the inclusion of 1982 and 1983 data (which the NPS previously denied existed), data prior to '92 protocols, and followed by a 14 year gap; annual oyster harvest not relevant to sandbars OB and UEN during pupping season; and demonstrated how NPS assumptions for OYST Hi/Low analysis were incorrect. MMC panel recommended what NAS before them had, that NPS not use annual oyster harvest, but oyster activity at OB/UEN during pupping season. The NPS failed to do this.	

Chronology

	A	B	C	D	E	F	G	H	I	J	K
244									MMC Ragen agrees to statistician	Leading up to MMC Meeting, Dr. Ragen promised to get an MMC-sponsored statistician to help analyze the data and statistics in the Becker 2010 paper, circulated a resume and at the MMC meeting of 02/21-24/2010, agreed to do an independent statistical analysis of Becker 2010 and to allow Dr. Goodman and Mr. Lunny to ask the MMC sponsored statistician to run particular tests of the Becker models.	
245								02/21-24, 2010	MMC panel public concludes SEALS AND OYSTERS COEXISTING WELL	MMC panel reviewing harbor seals in Drakes Estero hold public meeting. MMC concludes seals in Drakes Estero are doing fine and seals and oysters are co-existing together under 1992 protocol. Ragen assures Dave Weiman via email "that if new information is presented in the review, I will ensure that others have sufficient time to review and evaluate it and, until everyone has done so, it will be treated with extra	
246									Dr Goodman exposes incorrect measures and misuse of data in Becker 2010	Dr Goodman's review of Becker 2010 <u>shows correlations by NPS scientists based upon incorrect measures and misuse data</u> which <u>led to distorted statistical analysis</u>	
247									NPS Ignores MMC panel	MMC panel asks NPS NOT to conclude causality from their statistical correlations and to obtain correct data from Lunny. They never do. <u>THIS IS SCIENTIFIC MISCONDUCT AS DEFINED BY NAS 1992 COSEPUP PANEL AND 2000 OSTP FEDERAL POLICY, PLUS IT IGNORES PRESIDENT OBAMA'S CALL FOR INTEGRITY IN SCIENCE</u>	
248									Cicely Muldoon promoted to Superintendent of PRNS		
249									Neubacher promoted to Superintendent of Yosemite		
250								03/15/10	NPS BECKER SUPPORTS STUDENT USE OF CAMERAS to STUDY SEAL DISTURBANCES	NPS Ben Becker writes letter to USDOJ to support student's application to use cameras to study DBOC disturbances of seals in Drakes Estero, and later contradicts the purpose of cameras in explanation to the public	
251								03/29/10	Ragen confirms commitment to statistician fails to follow through	Dr. Ragen's commitment to get Becker 2010 reviewed by statistician confirmed in an email from Gordon Bennett to Dr. Ragen and some 20 other people including the MMC panel members, NPS scientists, representatives of CDFG, CA Coastal Commission, etc. To Dr. Goodman's knowledge, in 2010 and leading up to the publication of Becker et al. 2011 in April 2011, Dr. Ragen failed to retain a statistician and failed to analyze the Becker 2010 paper.	

	A	B	C	D	E	F	G	H	I	J	K
252								06//06/2010	<b>SECRET CAMERA PROGRAM UNCOVERED</b>	<b>Anonymous Briefing Statement (never delivered to Dr. Goodman)</b> - National Park Service Response to Goodman's January 18, 2009 Letter to NRC May 1, 2009, in <b>Appendix A</b> , NPS Review of the Tidal Pattern and Harbor Seal Behavior in Drakes Estero. <b>For the six dates selected by NPS for review (Table 2), the NPS examined date and time stamped photographs taken of Drakes Estero by remote camera.</b> The remote camera was on-site at Drakes Estero for the majority of the 2008 breeding season, capturing images every minute from 7 AM to 7 PM. the camera view encompassed the "lateral" channel with sandbar OB in the foreground."	
253									<b>Goodman discovers NPS logs / analyses of 281,000 photos</b>	Goodman discovers NPS has detailed logs of each of the 281,000 photos. Logs and analyses filled in by NPS volunteers who examine each photo and note what they see.	
254									<b>NPS PHOTOS and LOGS PROVE NON DISTURBANCE OF SEALS BY DBOC</b>	Photos and logs prove DBOC has not disturbed the seals over 3 1/2 years. <b><u>NPS HAS KNOWN THIS SINCE AT LEAST June 6, 2008 when DETAILED LOG WITH ANALYSIS OF 2008 PHOTOGRAPHS WERE SUBMITTED TO NPS. NPS'S FAILURE TO DISCLOSE THIS EVIDENCE IS SCIENTIFIC MISCONDUCT AS DEFINED BY THE 1992 NAS COSEPUP PANEL AND THE 2000 OSTP FEDERAL POLICY PLUS IT VIOLATES PRESIDENT OBAMA'S CALL FOR SCIENTIFIC INTEGRITY</u></b>	
255									<b>ALLEN FAILED TO DISCLOSE LOGS / ANALYSES TO NAS AND MMC</b>	Logs were submitted to Allen. Allen failed to disclose photos and logs to NAS or MMC panels or to reviewers of publications. <b><u>ALLEN'S FAILURE TO DISCLOSE THIS EVIDENCE IS SCIENTIFIC MISCONDUCT AS DEFINED BY THE 1992 NAS COSEPUP PANEL AND THE 2000 OSTP FEDERAL POLICY PLUS IT VIOLATES PRESIDENT OBAMA'S CALL FOR SCIENTIFIC INTEGRITY</u></b>	
256								06/07/10	<b>LUNNY SON LOCATES ONE HIDDEN CAMERA</b>	Marine Mammal Commission meeting	
257								06/07/10	<b>NPS MISREPRESENTS # of cameras</b>	NPS acknowledges ONE camera in estero	
258								06/10/10	<b>Graber REVEALS 2 cameras</b>	NPS David Graber reveals TWO cameras in estero	
259								06/10/10	<b>CAMERAS REMOVED</b>	NPS claims disclosure was made due to mention of the cameras in an appendix of a secret document released 2 years after the cameras were started, and 1 year later posting that document among 153 documents on MMC web site (not even the NPS website, but the MMC web site). <b>MMC never informed of NPS cameras but learned of them from Dr. Goodman.</b>	



Chronology

	A	B	C	D	E	F	G	H	I	J	K
260	STILL, NOT ONE RECORDED INCIDENT OF DISTURBANCE TO HARBOR SEALS							06/14/10	PRNS MISREPRESENTS LENGTH OF TIME cameras in operation	PRNS SUPERINTENDENT Cicely Muldoon states cameras in place 2008 to 2010	
261								06/22/10	PRNS PROVIDES INCOMPLETE INFORMATION	Muldoon reveals cameras began in 2007	
262								06/24/10	PRNS provides incomplete information	Muldoon reveals cameras started in May 2007	
263								06/28/10	Becker makes false statement re publication of Becker 2010	In response to Dave Weiman's question about the disposition of Becker 2010, Becker wrote "no, we haven't submitted it to a journal and don't plan to until we hear back from the MMC's peer review process."	
264								06/30/10	PRNS FINALLY REVEALS ACTUAL START DATE of COVERT Camera Operations	Muldoon reveals cameras started May 5, 2007	
265								Sept 2010	Ragen says do not publish Becker 2010	Dr. Ragen recommended to PRNS Sup., 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.	
266								09/27/10	SALAZAR ISSUES SECRETARIAL ORDER, POLICY TO INSURE INTEGRITY AND CONSEQUENCES	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... <b>"Misconduct will not be tolerated. Allegations of misconduct will be investigated and disciplinary action will be taken as appropriate."</b>	<a href="http://www.doi.gov/news/pressreleases/upload/Sec-Order-No-3305.pdf">http://www.doi.gov/news/pressreleases/upload/Sec-Order-No-3305.pdf</a>
267									NPS makes UNSUBSTANTIATED CLAIM of necessity for EIS	NPS claims an EIS is required before it can issue a Special Use Permit for continued oyster operations beyond 2012, despite significant public protest.	
268									EIS process begins		
269								Oct 2010	NPS submits Becker 2010 for publication	Contrary to Ragen's recommendation not to publish Becker 2010, and what Becker had told Weiman, the NPS submitted Becker 2010 for publication without telling the MMC, without waiting for the MMC review. Furthermore, the report is given a new title "Evidence for long-term spatial displacement of breeding and pupping harbour seals by shellfish aquaculture over three	
270								EIS OVERSEEN BY DISCREDITED NPS SCIENTISTS	The EIS is <u>overseen by</u> one of the same <u>NPS scientists that presented unsubstantiated claims of harm to Harbor seals to the Marin County Board of Supervisors in 2007 AND INVOLVES THE AUTHORS OF THE DEBUNKED DEASWE Report and Becker et al Reports (multiple versions)</u>		

EIS PROCESS BEGINS USI

Chronology

	A	B	C	D	E	F	G	H	I	J	K
271							<p style="writing-mode: vertical-rl; transform: rotate(180deg);"> <b>DOIG Solicitor Frost Investigation</b>  <b>DOIG DISCREDITED SCIENTISTS WHO AUTHORED DISCREDITED PAPERS</b> </p>	10/18/10	<p><b>Goodman INVITED TO PRESENT TO CA COUNCIL ON SCIENCE AND TECHNOLOGY, subject: TRUST AND ACCOUNTABILITY</b></p>	<p>Dr. Corey Goodman makes presentation to CA Council on Science and Technology, Meeting on Trust and Accountability. <b>He asserts NPS officials and scientists committed scientific misconduct by withholding key photographic data contradicted their public claims from at MAS and MMC panels. He also sites Allen's court testimony in a case in San Diego in 2005 and her 7 year study released in 2006, both of which contradict her findings in DBOC work.</b></p>	<p><a href="http://www.youtube.com/watch?v=O4lmdD4praE&amp;NR=1">http://www.youtube.com/watch?v=O4lmdD4praE&amp;NR=1</a></p>
272								11/22/10	<p><b>Goodman FILES FORMAL COMPLAINT TO Salazar</b></p>	<p>Dr. Goodman <b>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.</b></p>	
273								11/24/10	<p><b>DOI DIRECTS Frost TO INVESTIGATE DR. GOODMAN'S COMPLAINTS</b></p>	<p>Field Solicitor Gavin Frost, <b>an attorney SPECIALIZING IN EMPLOYMENT LITIGATION, is directed by DOI to conduct a fact finding investigation of Dr. Goodman's complaint of scientific misconduct.</b></p>	
274									<p><b>INVESTIGATION IS CONTRARY TO DOI POLICY FOR LACK OF SCIENTISTS INVOLVED</b></p>	<p><b>In contrast to new DOI policy, NO SCIENTISTS ARE INVOLVED IN DOI REVIEW OF ALLEGATIONS OF SCIENTIFIC MISCONDUCT.</b></p>	
275									<p><b>PACIFIC OYSTERS NAMED Super Green food</b></p>	<p>Monterey Bay Aquarium creates its "Super Green" seafood list. Farmed Pacific oysters are named a Super Green Food.</p>	
276								2010	<p><b>NPS STATS ON VISITORS TO PRNS</b></p>	<p>NPS Stats show the PRNS 5 YEAR <b>RECREATIONAL VISITS</b> average to be <b>2,151,499</b> with a low of 2,065,083 and a high of 2,248,203</p>	<p><a href="http://www.nature.nps.gov/stats/viewReport.cfm?selectedReport=SystemComparisonReport.cfm">http://www.nature.nps.gov/stats/viewReport.cfm?selectedReport=SystemComparisonReport.cfm</a></p>
277							01/24 & 26, 2011	<p><b>FROST STATES TO GOODMAN AND LUNNY: MULTIPLE PEOPLE COMMITTED SCIENTIFIC MISCONDUCT</b></p>	<p>FIELD Solicitor Gavin Frost, (attorney specializing in employment law) telephones Goodman on Jan 24 then Lunny on Jan 26 to say his report is nearly finished, and that <b>he found multiple people committed scientific misconduct.</b></p>		

	A	B	C	D	E	F	G	H	I	J	K
278									<b>EIS IS TAINTED BY DISCREDITED SCIENTISTS BEHIND DEBUNKED REPORTS INVOLVEMENT IN EIS PROCESS</b>	Frost continues to say, <u>EIS is tainted by the same bad science and is using the same authors of the bad science.</u> 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 <i>"Evidence for long-term spatial displacement of breeding and pupping harbour seals by shellfish aquaculture over three decades"</i>	
279								Feb-11	<b>FROST REPORT SUBMITTED TO DOI</b>		
280									<b>Becker 2010 accepted for publication</b>	see April 6, 2011 for release.	
281								Mar-11	<b>DOI RELEASES REVISED FROST REPORT</b>	DOI releases Field Solicitor Frost's REVISED report. Findings: <u><b>FIVE NPS officials and scientists VIOLATED the NPS Code of Scientific and Scholarly Conduct.</b></u> Words used to describe the NPS Scientists: <u><b>"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"</b></u> , and that the NPS had violated the NPS <u><b>Code of Scientific and Scholarly Conduct.</b></u> However, the final report FAILS TO FIND "INTENT" <u><b>IN CONTRAST TO WHAT HE TOLD DR. GOODMAN AND LUNNY.</b></u>	
282									<b>CONTINUED</b>	Frost <u><b>calls the violations</b></u> of the NPS Code " <u><b>misconduct</b></u> ", but <u><b>defines this form of misconduct as "administrative" rather than scientific.</b></u> His summary and conclusion <u><b>never mention the violation of the NPS code of Scientific and Scholarly Conduct, but instead concludes mistakes were made but not formal scientific misconduct as defined by criminal code was committed.</b></u> This is in contrast to what he told Dr. Goodman and Lunny. <u><b>Interior issues a press release reporting mistakes but no scientific misconduct found.</b></u>	
283									<b>BIASED SCIENTISTS REMAIN INVOLVED IN EIS</b>	<u><b>NPS SCIENTISTS, FOUND TO BE BIASED AND WHO MISHANDLED DATA according to Frost. REMAIN ACTIVE IN ONGOING OYSTER FARM EIS</b></u>	
284								03/23/11	<b>SENATOR FEINSTEIN CHALLENGES SALAZAR REGARDING FROST REPORT</b>	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."	

Chronology

	A	B	C	D	E	F	G	H	I	J	K
285								April-11	<b>Becker 2011 REPORT Released to the public Contrary to MMC instructions not to, Disclosed by EAC not NPS</b>	Within less than one month of release of 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. <b>THE SAME 3 NPS SCIENTISTS BECKER, PRESS AND ALLEN, WHO ARE THE AUTHORS OF BECKER 2009, 2010, 2011 ARE THE SAME 3 NPS SCIENTISTS FROST FOUND BIASED AND WHO WERE FOUND TO HAVE VIOLATED THE NPS CODE OF SCIENTIFIC AND SCHOLARLY CONDUCT. THIS IS SCIENTIFIC MISCONDUCT AS DEFINED BY THE 1992 NAS COSEPUP PANEL AS WELL AS THE 2000 OSTEP FEDERAL POLICY PLUS IT IGNORES PRESIDENT OBAMA'S CALL TO SCIENTIFIC INTEGRITY.</b>	
286									<b>BECKER 2011 BIASED AND FATALLY FLAWED</b>	Becker 2011 is biased and has the same fatal flaws as Becker 2010 because <b>NPS scientists failed to obtain the correct oyster farm activity data</b> from Lunny <b><u>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. THIS IS SCIENTIFIC MISCONDUCT AS DEFINED BY THE 1992 NAS COSEPUP PANEL AS WELL AS THE 2000 OSTEP FEDERAL POLICY PLUS IT IGNORES PRESIDENT OBAMA'S CALL TO SCIENTIFIC INTEGRITY.</u></b>	
287								April-11	<b>NEUBACHER CONTRADICTS FEINSTEIN</b>	NPS Director Jon Jarvis appeared on Bay Area public radio. He contradicted Senator Feinstein's public conclusion of misconduct by <b><u>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.</u></b> 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.	
288									<b>DOI TO PARTNER WITH DOC and NOAA</b>	DOI pledges to partner with DOC and NOAA to INCREASE US marine aquaculture, including shellfish.	

Chronology

	A	B	C	D	E	F	G	H	I	J	K
289								04/06/11	<b>Becker 2010 publicly released now is Becker 2011 also with a title change to: "EVIDENCE FOR LONG TERM SPACIAL DISPLACEMENT OF BREEDING AND PUPPING HARBOUR SEALS BY SHELLFISH AQUACULTURE OVER THREE DECADES"</b>	The Environmental Action Committee of West Marin's Executive Director, Amy Trainer, announced the release of Becker 2010 - now Becker 2011 with a title change. The NPS did not inform the MMC about Becker 2010/2011, and the MMC first became aware of the paper only when Weiman told Ragen on April 8, 2010	
290								April to June	<b>Ragen resists requesting data</b>	After Becker 2011 published, it took till late June to convince Ragen he should request the data and codes and properly review Becker 2011. Apr 26, and May 1, Goodman wrote to Ragen, to inform him of fundamental flaws, the use of the wrong data, and assumptions in Becker 2011. Ragen's draft report in June 2011 neither discusses nor evaluates any of these concerns.	
291								06/07/11	<b>Draft MMC report</b>	Ragen presented his draft report to Lunny and Goodman. Ragen accepted correlations in Becker 2011, but criticized the paper for claiming but not having proven causation.	
292								06/18/11	<b>Ragen fears "Politics"</b>	Dave Weiman and Melissa Cichantek ask Ragen how he "can continue to let the NPS scientists off the hook without getting an independent statistician and testing the NPS model by using the correct data and assumptions." Ragen stated he thought if he showed the NPS scientists wrong, it would be "too strong a political statement for him to make."	
293								06/19/11	<b>Ragen agrees to review Becker 2011</b>	Becker 2011 correlation same as Becker 2009 but MMC is told it is different. MMC asked to oversee independent review of Becker 2011	
294									<b>Weiman asks for collaboration</b>	"Your recommendation ... a joint test of Becker's statistical model used in his 2011 paper ... is an excellent one....Let's put Becker, you, Lunny, Goodman, and others as appropriate together to test his statistical model.... We assert...that if the correct data are used, the correlations and NPS conclusions will not be affirmed."	
295									<b>Ragen bows to NPS</b>	Ragen rejected proposal of independent review, accepted Becker's counter that NPS NOT SHARE THEIR DATA OR CODES but that Goodman send his requests for Becker to run a set of tests Ragen and Becker agreed that Becker would perform.. Goodman rejected Ragen's proposal, Ragen not pleased.	

Chronology

	A	B	C	D	E	F	G	H	I	J	K
296								06/21/11	<b>Goodman asks for NPS data and codes</b>	"One of the fundamental hallmarks of the scientific method, and one of the tenets and responsibilities of publishing scientific papers, is to make the materials and methods available for others to reproduce, test, and expand upon. The NPS Code of Scientific and Scholarly conduct says it best: "fully disclose all research methods used, available data, and final reports and publications in a timely manner..." so as not to "...hinder the scientific or scholarly activities of others..."	
297								06/21/11	<b>Ragen rejects Goodman's proposal</b>	Email from Weiman to Goodman: "As before, he firmly (almost defiantly) insisted the Becker correlation was sound." Ragen allowed NPS to reject the course of action laid out in MMC's own Terms of Reference in favor of a process more closed. Neither MMC nor Goodman would be given the opportunity to review the Becker et al. 2011 paper.	
298								06/22/11	<b>Goodman, Lunny, Ragen, and Weiman ask Ragen to review Becker 2011</b>	Goodman explains why Becker 2011 was not based on correlation shown in Becker 2009, described how NPS scientists claimed oyster farm activity had led to 7% displacement of seal pups out of estero, then asked Ragen if he could explain how MPS derived that number. or at least show which figures and tables led to its derivation. Ragen admitted he could not. Goodman asked Ragen how his report could comment on Becker 2011 when he did not understand how its key conclusions were derived.	
299								06/22/11	<b>Feinstein asks Ragen to review Becker 2011</b>	Letter from Democratic Senator Dianne Feinstein to Ragen asks Ragen to review Becker 2011	
300								06/22/11	<b>Ragen and Becker capitulate</b>	Ragen told Weiman that Becker had agreed to make the codes, data, and assumptions available. And had agreed to participate in a small technical workshop with MMC's statistician and Dr. Goodman. NPS ultimately rejected any proposal of a technical workshop or public meeting. Such a meeting never took place.	
301								07/01/11	<b>Gordon Bennett Ousted from duties as spokesperson for Sierra Club Marin</b>	Gordon Bennett ousted from Sierra Club. "Gordon Bennett was relieved of his leadership positions at Sierra Club Marin this month....Sierra Club conservation Director Bruce Hamilton. 'We asked that [Bennett] no longer speak on behalf of the Sierra Club.' "	PRL Vol LXIV No. 17, June 23, 2011
302								June / July	<b>PRNS Sup. Cicely Muldoon takes 5 weeks to agree</b>	PRNS Sup. Cicely Muldoon and Ragen come to an agreement on release of the NPS data and codes five weeks after events of June 22.	
303								07/25/11	<b>MMC initiated review and establishes "Open, Collaborative Process"</b>	MMC initiates review of Becker 2011 and establishes "Open collaborative Process" (open discussion, open dialogue, open exchange, it., transparent process)	
304								July thru Aug	<b>Goodman's requests for NPS data and codes, and process once reviews submitted</b>	NPS releases incomplete data 7/28, Goodman makes second request for data and codes on 8/1, a third on August 5, and a fourth on August 11. Requests were answered on 8/3, 8/10, and 8/20 respectively but are still incomplete however sufficient to analyze Becker 2011 and submit report to MMS on 8/29. Ragen provides no answer for process once reviews submitted	
305								08/11/11	<b>Bagley, Burton and McCloskey letter to Salazar</b>	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 Ca Democratic Assemblyman William T Bagley 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	<a href="http://oysterzone.files.wordpress.com/2011/11/mccloskey-to-salazar-re-dbo-08-11-11.pdf">http://oysterzone.files.wordpress.com/2011/11/mccloskey-to-salazar-re-dbo-08-11-11.pdf</a>

Chronology

	A	B	C	D	E	F	G	H	I	J	K
306								08/29/11	<b>Goodman submits analysis to Ragen</b>	Goodman, having received not all but sufficient data and codes, by August 20, collaborates with a Stanford statistics professor, a U.C. Davis statistics professor, and David Lewis, director of U.C. cooperative Extension Marin County, to produce analysis by August 29.	
307								08/29/11	<b>Goodman, Harwood and Richard analyses presented</b>	Drs. Goodman, Harwood, & Richard submitted their analyses of the Becker 2011 paper to the MMC. (Goodman's analysis was detailed and 143 pages, Harwood's - eight pages, Richard's - one and one half pages)	
308									<b>Ragen refuses Goodman request</b>	Goodman requests to discuss Becker 2011 with Dr. Harwood (the MMC consultant), but Ragen turns down request.	
309								08/29/11	<b>Ragen states Review Plan</b>	Step one: MMC to give all reviewers 48 hours to respond to the other reviews. Step two: MMC would give NPS 48 hours to provide written response. Step three: MMC would hold a meeting to bring all parties together within a few weeks for public meeting. (Almost identical to Feb 2010 meeting. This time Ragen would invite the statisticians involved but the public would be invited to observe not participate.	
310									<b>Ragen seeks NPS approval of Review Plan, is rejected, plan abandoned</b>	Ragen should have announced plan to all and implemented, it should not have been a choice.	
311								08/30/11	<b>NPS Rejects "Open Process", Refuses to Participate in Public Meeting</b>	The NPS rejected MMC call for open, transparent process including responses to reviews within 48 hours. In addition, the NPS refuses to participate in a public meeting.	
312								08/31/11	<b>MMC Begins Secret Closed Door Meetings</b>	MMC began a secret closed process that included NPS and its supporters AND specifically excluded Goodman, Lewis, and Lunny. Dr. Ragen (MMC) proposed a meeting might occur if Goodman was excluded.	
313								09/01/11	<b>Ragen unsure how MMC would proceed</b>	Ragen states Goodman and Harwood analyses were "nail in the coffin" of Becker 2011	
314								09/01/11	<b>Ragen proposes closed-door, statisticians-only meeting</b>	Ragen objected to Goodman having done all of the statistical analysis himself, even though 3 statisticians had given advice and was prepared to discuss and defend it. Ragen told Goodman he was disruptive. Ragen gave Goodman reason to believe Ragen was pressured by NPS and supporters to exclude Goodman from review process.	
315								09/01/11	<b>Ragen Prohibits discussion</b>	Ragen prohibited Goodman from talking with Harwood but states will share all responses, comments, and questions with Goodman and to consult with Lewis as well as Goodman	
316								09/02/11	<b>MMC rcvs Harwood response</b>	Harwood submitted his response to Goodman's analysis to Ragen however Ragen does not share this with Goodman for two months, see November 4, 2011	
317								09/02/11	<b>Senator Feinstein call for one month delay in draft EIS</b>	Senator Dianne Feinstein letter to Ken Salazar requesting one month delay in publication of dEIS until MMC can finalize it's report	<a href="http://oysterzone.wordpress.com/2011/10/28/09022011-senator-feinstein-letter-to-secretary-of-the-interior-ken-salazar/">http://oysterzone.wordpress.com/2011/10/28/09022011-senator-feinstein-letter-to-secretary-of-the-interior-ken-salazar/</a>
318									<b>CONTINUED</b>	"....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."	
319								09/08/11	<b>MMC process announced</b>	MMC announces process and that they will consult with all parties.	

Chronology

	A	B	C	D	E	F	G	H	I	J	K
320								09/09/11	Goodman alerts Ragen	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.	
321								Sept thru Nov	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.	
322								09/12/11	Ragen talks to Lewis	Ragen talks with Lewis however, does not ask any questions about analyses	
323								09/12/11	Ragen talks to Goodman	Goodman asked Ragen if he had received any comments. For Ragen response see 9/16	
324								09/12/11	Lunny submits 7 Questions	Lunny is informed by the NPS they will not reply to questions he submits to them and demand he submit them through Ragen. Lunny submitted 7 questions for Becker via Ragen. NO REPLY FOR OVER TWO MONTHS IS FORTHCOMING. See NOV 17, 2011	
325								09/15/11	Senate Commerce Subcommittee on Appropriations request review of Becker 2011		
326								09/15/11	Bennett & Richard submit Criticisms of Goodman analysis	Bennett and Richard submit criticisms of Goodman's analysis to Ragen	
327								09/16/11	Ragen response to query of 9/12	Ragen said he had no questions for Goodman. Ragen did not acknowledge either Harwood's or Bennett/Richard's comments on Goodman's analysis.	
328								09/22/11	EAC announces Richard's critique of Goodman	EAC announced that Richard had submitted a critique of Goodman to the MMC. The MMC did not provide the critique or inform Goodman of receipt of Richard's critique.	
329								09/22/11	Draft EIS Released	In spite of requests 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, the NPS releases the dEIS	
330								10/06/11	Goodman visits Ragen	Goodman visited Ragen in his office in DC, asked if Ragen had any questions or received criticisms or comments. Ragen answered "No."	
331								10/07/11	Ragen sent Richards critique to Goodman	Twenty two days after receipt and having denied it's existence twice, Ragen sent Richard's critique to Goodman in which Richard criticized Goodman's choice of statistical method.	
332								10/16/11	Dr Goodman presentation	Dr. Corey Goodman makes a free to anyone who wishes to attend a one and one half hour power point presentation at the Dance Palace Community Center on the science behind the draft EIS. 150 people attend. His presentation is followed by 2 hours of Q&A. The event was advertised as a two hour event though Dr. Goodman encouraging questions and answering them, continued until we had to leave to set up for the next event. He continued to answer questions on the lawn afterwards.	<a href="http://vimeo.com/32015904">http://vimeo.com/32015904</a>



Chronology

	A	B	C	D	E	F	G	H	I	J	K
333								10/18-20/11	NPS "Public Open House" events	NPS holds three evening "Public Open House" events. No presentation, no NPS scientists involved in the dEIS available to speak or answer questions, only NPS personnel and the sub-contractors who assisted in the creation of the dEIS are available to write the public's comments on easles and direct the public to easles with blow ups of a few pages of the 722 page dEIS. Responses to questions such as "Why were red-legged frogs considered potentially moderately threatened by the dEIS when they make their habitat in fresh water and Drakes Estero is a salt water estuary?" were "Is that your comment?"	

## Chronology

	A	B	C	D	E	F	G	H	I	J	K
334								10/20/11	<b>Committee on Oversight and Government Reform</b>	Letter to Ken Salazar, from Darrell Issa, Chariman 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	<a href="http://oysterzone.wordpress.com/2011/10/28/10202011-house-committee-on-oversight-and-government-reform-investigation/">http://oysterzone.wordpress.com/2011/10/28/10202011-house-committee-on-oversight-and-government-reform-investigation/</a>
335								10/23/11	<b>Goodman &amp; Lewis head-to-head</b>	Goodman & Lewis submitted to MMC a head-to-head analysis using both methods (i.e., Becher's and Goodman's) with same conclusion.	
336								10/24/11	<b>Lewis emailed Ragen</b>	Lewis emailed Ragen and offered to discuss analysis. Ragen did not engage Lewis, never asked for his statistical help even though Ragen knew Lewis had replicated Goodman's analysis using Becker's method. Same offer made on Nov 1	
337								Oct thru Nov	<b>Ragen fails to engage</b>	<b>Ragen never questioned Goodman or Lewis about Goodman's analysis, Harwood's comments, or Becker's response.</b>	
338								11/01/11	<b>Lewis emailed Ragen again</b>	Lewis emailed Ragen again (see 10/24 for initial email)and offered to discuss analysis. Ragen did not engage Lewis, never asked for his statistical help even though Ragen knew Lewis had replicated Goodman's analysis using Becker's method. Same offer mad on Nov 1	
339								11/01/11	<b>Ragen - finishing report</b>	Ragen told Weiman he was finishing up report, hoped to distribute to advisors on Nov 6	
340								11/04/11	<b>Ragen distributed Harwood's September 2 response</b>	Two months after having received Harwood's Sept 2 response to Goodman analysis Ragen distributes it. (see Nov 6 for Goodman Lewis response to Harwood)	
341								11/05/11	<b>Ragen asks for results</b>	Ragen asked Goodman for detailed results of each model. This had been provided two months earlier, on Sept 9, nevertheless provided again.	
342								11/06/11	<b>Goodman &amp; Lewis respond to Harwood</b>	Goodman and Lewis respond to Harwood's comments provided to MMC on Sept 2, but held back by Ragen until two days ago, Nov 4. Goodman and Lewis provide head-to-head comparisons using both statistical methods and showed Becker's models were statistically leveraged by 2003 alone.	
343								11/07/11	<b>Becker analysis to Ragen</b>	Becker analysis provided to Ragen, dated 11/07/11 but not forwarded to Goodman until Nov 17	
344								11/08/11	<b>Ragen finishing report</b>	Ragen told Weiman he was finally finishing report, yet he had not shared any of Becker's analysis with Goodman, Lewis, or Lunny	
345								11/17/11	<b>Ragen provides Becker analysis</b>	Ragen provided Becker's November 7 analysis to Goodman and Lunny.	
346								11/17/11	<b>Ragen responds to Lunny 09/12/11 questions</b>	On the eve of the realease of the MMC report, over two months after Lunny's initial request, Ragen responded to Lunny's questions of Sept 12, intended for Becker, though aparently never sent to Becker.	
347								11/17/11	<b>Ragen admits he did not forward Lunny Questions to Becker</b>	Ragen claimed that Becker had replicated the results of Becker 2011, replicated Goodman's models and found them inferior to Becker's models, eliminated 1982 - 1983 and shown it to be of no importance, and tested the impact of the 2003 event at Double Point and shown it to be of little importance. Becker, in fact, had not done any of these things.	
348								11/17/11	<b>Ragen misrepresented and dismissed w/o opportunity to respond</b>	MMC accepted NPS Becker's rebuttal, misrepresented what Becker had done, and dismissed Goodman's analysis without permitting response by Goodman (and collaborator Lewis, on behalf of Marin County Board of Supervisor, Steve Kinsey)	

Chronology

	A	B	C	D	E	F	G	H	I	J	K
349								11/22/11	<b>MMC Report published</b>	Ragen ignores ALL the MMC panelists (all scientists specializing in harbor seals) recommendations and opinions that oysterfarm is causing no harm and can coexist as shown in Appendix F of the report. 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.	<a href="#">drakes_estero_report appendix_f</a>
350								11/22/11	<b>Goodman Findings - Letter to Feinstein and Kinsey</b>	Becker abandoned the Becker 2011 paper, used NEW DATA NOT AVAILABLE TO OTHERS, ADDED 2010, AND SUBSTITUTED EVERY ASPECT OF DEPENDENT VARIABLE, FROM PROPORTION OF PUPS AT Drakes Estero AS MEASURED BY MAXIMUM PEAK, TO TOTAL SEAL COUNTS AS MEASURED BY MEAN.	
351										Becker neither tested Goodman's key covariates (predictors) nor Goodman's models.	
352										Becker tested models without '82 & '83, BUT NOT THE MODELS IN Becker 2011, but rather NEW MODELS WITH A DIFFERENT DEPENDENT VARIABLE.	
353										Ragen excused Becker from testing Becker's models without 2003 & 2004 or the more stringent test, without 2003 alone.	
354										Becker never took the Double Point "event" (rogue elephant seal in 2003) out of the OYST/ Hi/Low correlation but rather added a measure of the event on top of OYST Hi/Low. NOTE BENE: THE EVENT DROVE SEALS INTO THE ESTERO, NOT OUT OF THE ESTERO.	
355										Becker never tested his own models without 2003 Double Point "event", or Goodman's best models, with or without 2003 "event". Becker's response was a "bait and switch", and only shared with Goodman after Ragen's report was written. (Why?)	
356										Becker did not test Goodman's top models in the same ranking using QAICc as he did in Becker 2011. He did not test "prop.pup.de" as in Becker 2011, and did not test Goodman's covariates and models.	
357									<b>Goodman Conclusions</b>	In conducting its review of Becker 2011 paper, the MMC did not follow the White House scientific integrity policy which it quoted "honest investigation, open discussion, refined understanding, and a firm commitment to evidence."	
358										From August 29 to the November 22 release of its report, the MMC did not follow its policy that "the Commission actively seeks input from and open dialogue among all parties engaged in all issues ..." The MMC was closed and biased, and did not foster an "open exchange of information and viewpoints ..."	
359										After NPS rejected an open process on 8/30/11, Ragen reverted to a closed process.	
360									<b>Goodman Questions</b>	Why did the process become so one-sided?	
361										Why did MMC Accept Becker's bait and switch?	
362										Why did MMC accept Becker's claim that he had tested Goodman's models when he had not?	
363								12/1/2011	<b>Kayakers disavow negative comments attributed to them in DEIS</b>	THREE Major Local Kayaking Companies Disavow dEIS statements attributed to them	<a href="http://oysterzone.wordpress.com/articles-and-letters/">http://oysterzone.wordpress.com/articles-and-letters/</a>

Chronology

	A	B	C	D	E	F	G	H	I	J	K
364								12/4/2011	<b>Collaborative Mgmt Alternative Proposed</b>	DBOC Proposes A Ten-Year Special Use Permit with Option for Extension; Rehabilitation of Existing Facilities; and Construction of New Processing Facilities	<a href="http://oysterzone.wordpress.com/articles-and-letters/">http://oysterzone.wordpress.com/articles-and-letters/</a>
365								12/7/2011	<b>MALT FOUNDERS Support DBOC</b>	Marin Agricultural Land Trust sends letter to PRNS in support of DBOC	
366									<b>UofC Ag &amp; Nat Resources</b>	Supports DBOC and rejects dEIS	<a href="http://oysterzone.wordpress.com/articles-and-letters/">http://oysterzone.wordpress.com/articles-and-letters/</a>
367								12/8/2011	<b>7700 letters of support</b>	DBOC owners, Kevin and Nancy Lunny, their workers and their families deliver 7700 letters of support from visitors to DBOC over the past three years to PRNS Superintendent Muldoon. The visitors are from 47 states and 29 countries to PRNS	<a href="http://oysterzone.wordpress.com/articles-and-letters/">http://oysterzone.wordpress.com/articles-and-letters/</a> <a href="http://www.marinij.com/opinion/ci_19512853">20111208 DBOC 7700 letters to PRNS</a>
368								12/9/2011	<b>ENVIRON Report exposes dEIS false data</b>	Actual study of Drakes Bay Oyster Company Boats and equipment reveals the deception in the dEIS of the NPS.	<a href="http://oysterzone.files.wordpress.com/2012/03/environ-2011.pdf">http://oysterzone.files.wordpress.com/2012/03/environ-2011.pdf</a>
369								12/10/2011	<b>Original Legislation Favors Oyster Farm</b>	Bill Bagley former Democratic Assemblyman cites original legislation and points out that it favors the Oyster Farm	<a href="http://www.marinij.com/opinion/ci_19512853">http://www.marinij.com/opinion/ci_19512853</a>
370								12/18/2011	<b>Gary Nabhan and Jeff Creque Support DBOC</b>	Gary P. Nabhan a former member of the National Park System Advisory Board. Jeffrey A. Creque a member of the board of the Alliance for Local Sustainable Agriculture. "shellfish aquaculture and wilderness were in fact compatible...Drakes Estero offers us an incredible opportunity. Let us not squander that for lack of imagination or lack of a willingness to collaborate in its realization."	<a href="http://www.sfgate.com/cgi-bin/article.cgi?f=c/a/2011/12/17/INLQ1MCVA1.DTL">http://www.sfgate.com/cgi-bin/article.cgi?f=c/a/2011/12/17/INLQ1MCVA1.DTL</a>
371								2/13/2012	<b>Letter to Salazar from Comm. on Environment and Public Works</b>		<a href="http://epw.senate.gov/public/index.cfm?FuseAction=Files.View&amp;FileStore_id=bf1335ac-bafe-4397-b930-78fee2b6c0e9">http://epw.senate.gov/public/index.cfm?FuseAction=Files.View&amp;FileStore_id=bf1335ac-bafe-4397-b930-78fee2b6c0e9</a>
372								3/29/2012	<b>Letter to Salazar from Sen Dianne Feinstein</b>	falsification of science is the straw that breaks the camel's back	<a href="http://oysterzone.files.wordpress.com/2012/03/03-29-12-feinstein-letter-to-salazar-re-nps-repeated-misconduct.pdf">http://oysterzone.files.wordpress.com/2012/03/03-29-12-feinstein-letter-to-salazar-re-nps-repeated-misconduct.pdf</a>
373								4/24/2012	<b>Letter to DOI IG from Goodman</b>	Allegations of false representations of data, concealment of data, and deception involving unnamed NPS and VHB employees who wrote, revised, and reviewed the NPS DEIS on Drakes Estero spell fraud.	<a href="http://oysterzone.wordpress.com/scientists-weigh-in/">http://oysterzone.wordpress.com/scientists-weigh-in/</a>
374											
375											