

**NPS Misrepresented and Concealed Acoustic Data
And Deceived the Peer Reviewers
of the Draft Environmental Impact Statement (DEIS) on DBOC
SUMMARY**

July 2, 2012

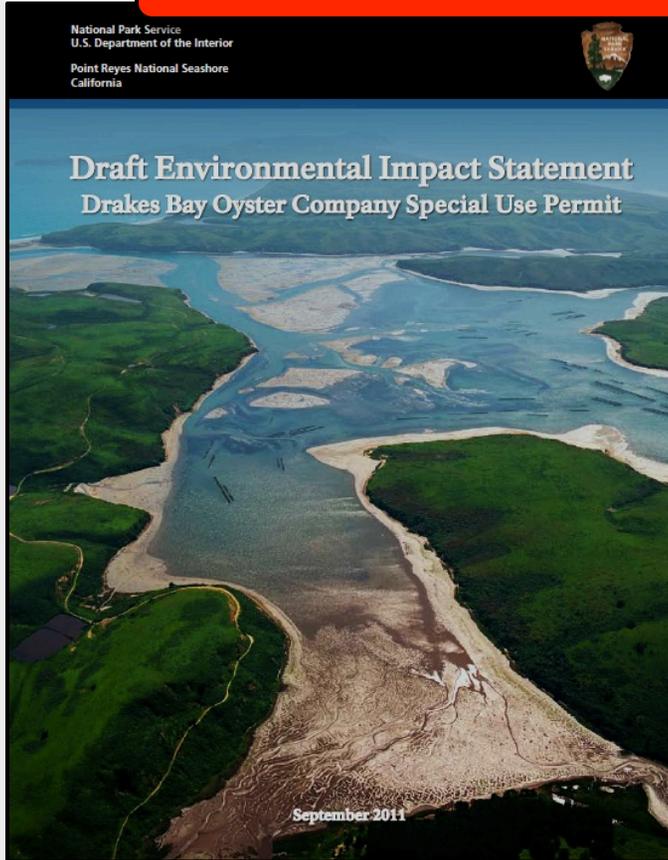


by Dr. Corey S. Goodman

- 1. NPS failed to follow NPS Management Policies 2006 and Director's Order #47.**
- 2. NPS made false representations of key acoustic data in Chapter 3 of DEIS.**
- 3. NPS made false representations of key acoustic data in Chapter 4 of DEIS.**
- 4. NPS concealed key acoustic data in Chapters 3 and 4 that contradicted DEIS.**
- 5. NPS drove incorrect findings of major impacts in Chapter 2 of the DEIS.**
- 6. NPS deceived the peer-reviewers of the DEIS.**

Overview: misrepresented and concealed data in soundscape sections of DEIS

Overall Conclusions



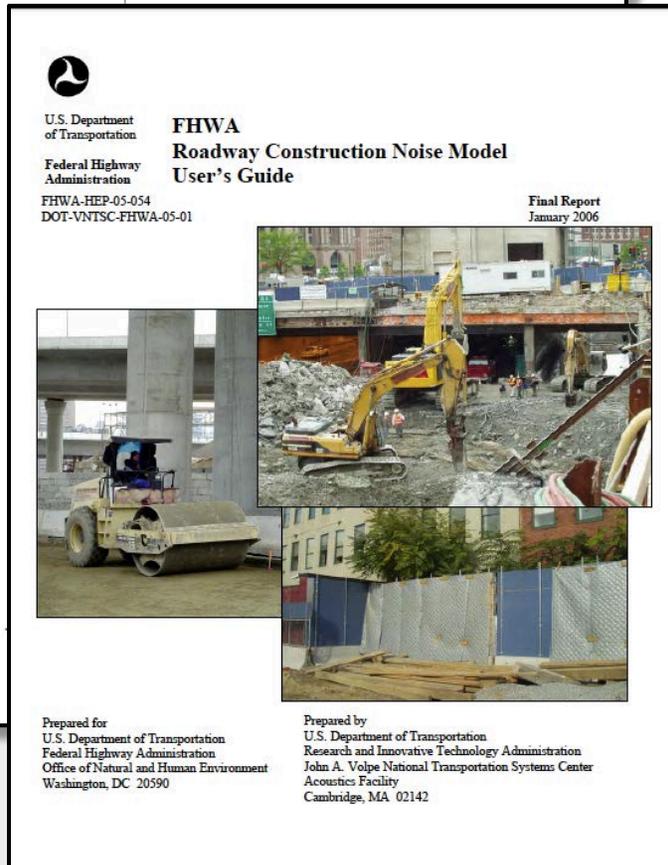
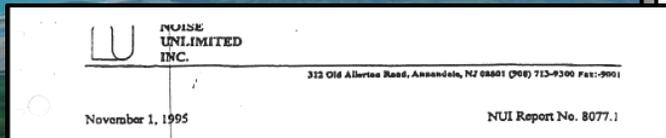
- I. Each misrepresentation of acoustic data in the DEIS supports the notion that the DEIS has a bias by writers intent on finding major impacts of environmental harm by DBOC.
- II. Data and metrics were distorted, invented, falsely represented, overestimated, underestimated, and exaggerated, and the real acoustic data concealed, all with the result of showing that DBOC boats and equipment could be heard for miles, when in reality they could not.
- III. It is difficult to examine this record of misrepresentations and suppression of data without coming to the conclusion that these actions were knowingly undertaken. The peer-reviewers were deceived into believing that there was a major environmental impact as defined by NEPA, when there was not.

2. Made false representations of key acoustic data in Chapter 3 of the DEIS.

2. Conclusions

The NPS DEIS on DBOC:

- a) Made false representations of acoustic data in Table 3-3 and text.
- b) Used measurements from NOISE UNLIMITED 1995 report for the New Jersey State Police to falsely represent and overestimate DBOC oyster boats in Drakes Estero.
- c) Used measurements from Federal Highway Administration Construction User's Guide 2006 to falsely represent and overestimate DBOC oyster equipment at Drakes Estero.
- d) Exaggerated noise generated by DBOC boats and equipment.



3. Made false representations of key acoustic data in Chapter 4 of the DEIS.

3. Conclusions

The NPS DEIS on DBOC:

- a) Cited VOLPE 2011 report for ambient noise levels but used measurement not found in conclusions of VOLPE report.
- b) Used false representations of ambient data in Table 4-2, 4-3, and 4-4 not found in VOLPE report.
- c) Used “*lowest daily ambient level*” instead of standard L_{Aeq} or L_{50} measurements to represent ambient in Tables 4-2, 4-3, and 4-4, leading to underestimate of ambient noise level.
- d) Exaggerated that DBOC equipment could be heard up to 3.3 miles from source, when actual measurements (ENVIRON 2011 report) revealed the sounds dissipate in hundreds of feet.



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Los Angeles, CA 90009
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BASLINE AMBIENT SOUND LEVELS IN POINT REYES NATIONAL SEASHORE



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4. Concealed key acoustic data in Chapters 3 and 4 that contradicted DEIS.

4. Conclusions

The NPS DEIS on DBOC:

- a) Knew or should have known that the PORE 004 microphone should have recorded daily DBOC boat trips and equipment if the numbers in Tables 3-3, 4-2, 4-3, & 4-4 were correct.
- b) Claimed the bluff blocked the sound path from boat to microphone, when Google earth elevation profiles and FAA photographs show this is incorrect.
- c) Knew or should have known that the microphone had not recorded daily DBOC boat trips and equipment, showing the numbers in Tables 3-3, 4-2, 4-3, & 4-4 were incorrect.
- d) Concealed key data that contradicted their conclusions in the NPS DEIS.



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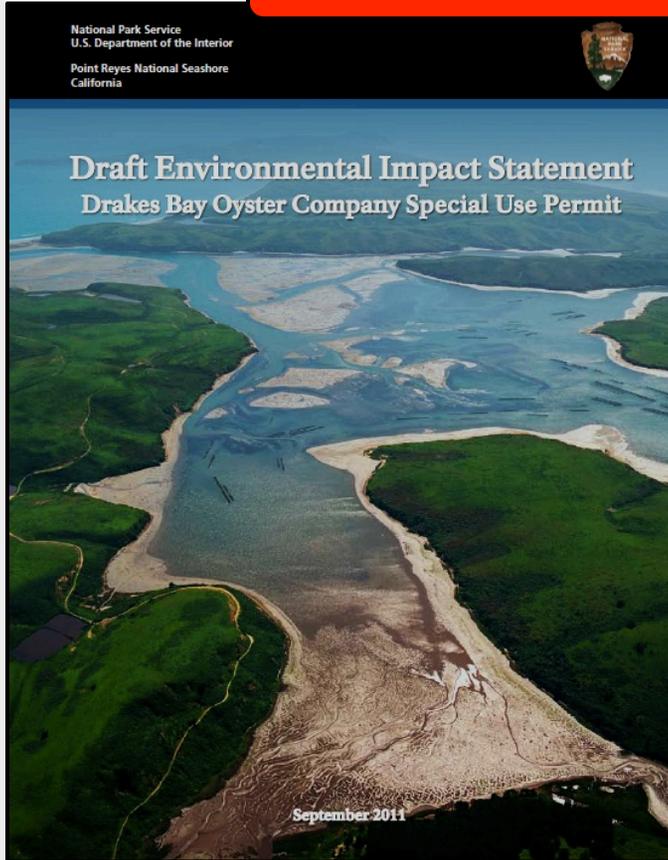
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5. Drove incorrect findings of major impacts in Chapter 2 of the DEIS.

5. Conclusions



The NPS DEIS on DBOC:

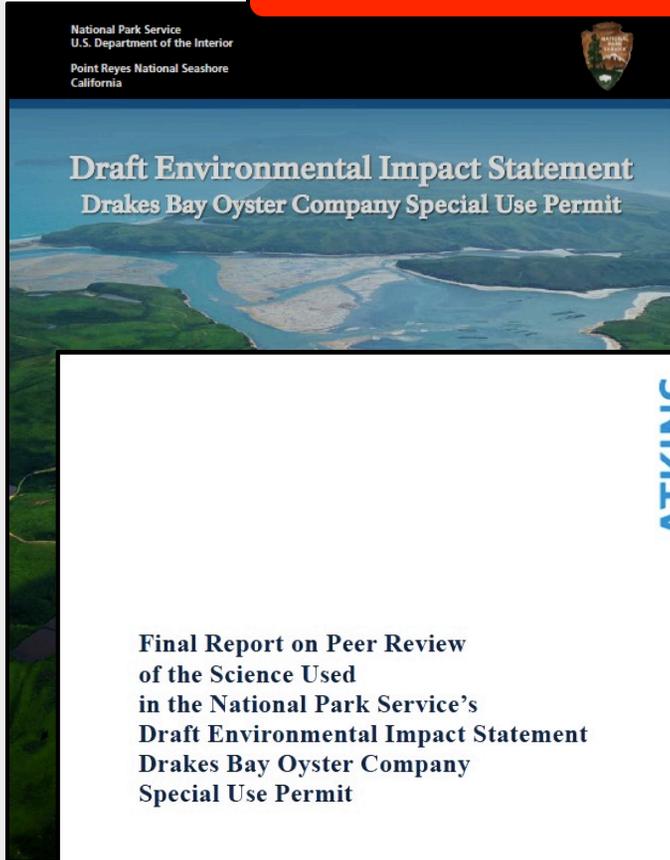
- a) Identified 14 areas of potential environmental impact in Chapter 2.
- b) Found two areas of “major” impact including soundscape and wilderness sections.
- c) Used false representations of noise data to drive one finding of major impact (soundscape) and contribute to second major impact (wilderness).
- d) Without false representation of soundscape data, major impacts in DEIS would disappear and change, and this NPS DEIS would become a very different document.

6. Deceived the peer-reviewers of the DEIS.

6. Conclusions

The NPS DEIS on DBOC:

- a) Deceived peer reviewers to believe measurements in Table 3-3 came from DBOC boats and equipment.
- b) Deceived peer reviewers to believe ambient measurements in Tables 4-2, 4-3, and 4-4 came from VOLPE 2011 report and were normal metric.
- c) Deceived peer reviewers to believe DBOC boats and equipment are heard for miles and are disturbing wildlife.
- d) Deceived peer reviewers in re-review, focused on Table 3-3, ignored Tables 4-2, 4-3, and 4-4, avoided VOLPE data, ambient metrics and measurements, whether microphone recorded oyster boats, distances for sound to dissipate, or impacts defined by NEPA.



**Final Report on Peer Review
of the Science Used
in the National Park Service's
Draft Environmental Impact Statement
Drakes Bay Oyster Company
Special Use Permit**

March 2012

Atkins Project No.: 100025958

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