

**From:** [Gregory J Smith](#)  
**To:** [Mike Murray](#)  
**Cc:** [John French](#); [Sherri Fields](#)  
**Subject:** Re: Fw: Question from reporter - Outer banks  
**Date:** 03/15/2010 04:22 PM

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Mike,

I will go through the attachment. I just called our EPN and we are basically in the "galley proof" stage - mainly page numbering/references. The layout is done and a few format changes will be made and it should be out by early next week.

We can discuss anytime.

Best,

Greg

▼ [Mike Murray---03/15/2010 01:55:05 PM---Greg or John, See below. Any suggestions on how to respond to the Jonathan Cohen and "in press" que](#)

From: Mike Murray/CAHA/NPS@NPS  
To: Gregory J Smith/BRD/USGS/DOI@USGS  
Cc: John French <jbfrench@usgs.gov>, Sherri Fields/Atlanta/NPS@NPS  
Date: 03/15/2010 01:55 PM  
Subject: Fw: Question from reporter - Outer banks

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Greg or John,

See below. Any suggestions on how to respond to the Jonathan Cohen and "in press" questions? Attached, as background is Cohen's declaration from the Interim Protected Species management Strategy lawsuit.

[attachment "Ex.5.JCohen.PI.2.20.08.pdf" deleted by Gregory J Smith/BRD/USGS/DOI]

Mike Murray  
Superintendent  
Cape Hatteras NS/ Wright Brothers NMem/ Ft. Raleigh NHS  
(w) 252-473-2111, ext. 148  
(c) 252-216-5520  
fax 252-473-2595

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----- Forwarded by Mike Murray/CAHA/NPS on 03/15/2010 01:49 PM -----

0025668

David  
Barna/WASO/NPS

To Mike Murray/CAHA/NPS@NPS

cc

03/15/2010 01:02 PM

Subject Fw: Question from reporter - Outer banks

Mike

Sorry to bother you again but the reporter sent the letter below to DOI Communications

Kendra is calling the Congressmans office and telling them that we have responded to all of her questions that we intend to respond to.

Kendra has asked me to send a note the the reporter telking her that we respect the science and the process, we have our alternatives out for public comment and we are reviewing the letter.

is this okay with you? What would you like me to say.

I does appear that someone in DOI ehtics should look into the signature from the federal employees in other agencies who signed the letter.

Advice?

David

----- Forwarded by David Barna/WASO/NPS on 03/15/2010 12:57 PM -----

"Barkoff, Kendra"  
<Kendra\_Barkoff@ios.doi.gov>

To "Barna, David" <David\_Barna@nps.gov>

cc

03/15/2010 12:30 PM AST

Subject FW: Question

Here is what I have heard back from the reporter. Can't we just say that we are reviewing the letter?

**From:** Sandy Semans [mailto:editor@obsentinel.com]  
**Sent:** Monday, March 15, 2010 12:18 PM  
**To:** Barkoff, Kendra  
**Cc:** Joshua Bowlen  
**Subject:** Fwd: Question

Kendra, this bounced back to me but am trying again! I think this is the same

address that I tried but maybe it will like Mondays more:-)

Sandy

Begin forwarded message:

**From:** Sandy Semans <[editor@obsentinel.com](mailto:editor@obsentinel.com)>  
**Date:** March 13, 2010 3:14:43 PM EST  
**To:** "Barkoff, Kendra" <[Kendra\\_Barkoff@ios.doi.gov](mailto:Kendra_Barkoff@ios.doi.gov)>  
**Subject:** Re: Question

Thanks so much Kendra!

Attached is a letter drafted by Audubon and sent to Cape Hatteras National Seashore Superintendent Mike Murray, as well as a long list of other DOI officials. It obviously was an attempt to influence the development of the proposed rule for ORV access to the seashore which has just been released in the DEIS. This matter also is currently in the courts and has been very controversial. The letter was signed by about 90 scientists and others. A number of the signers are identified with the agencies who employ them. Of interest are the ones who are identified as working for federal agencies. My question is do their signatures on this conflict with the Ethical Standards rules for government employees?

Also of note is the signature of Jonathan Cohen, author of a report funded by the USGS in 2005 for the NPS. This report has been the basis of much of the controversy - it was not peer reviewed and seems to make arbitrary recommendations which are not supported by any presented science. Since he did this work as a contractor for the federal government and is actually endorsing his own work, does this come under the Ethical Standards rules?

Also of interest is that Cohen wrote a lengthy affidavit on behalf of the plaintiffs in Defenders of Wildlife and Audubon vs. Department of Interior and National Park Service. Since a failed attempt at negotiated rulemaking when many questions were raised about Cohen's work, my understanding is that USGS was asked to review the document in light of those questions. Now the document is listed on the reference list in the DEIS both as "in press" and "open file" - it is probably safe to assume that changes have been made but they have not been shared with the public so there is no way to comment on them in responding to the DEIS. Does this comply with NEPA?

I have a strong science background and have been covering these types of things for more than 20 years but I've never seen anything quite like this process.

0025670

Thank you for whatever light you may shed,

Sandy Semans

[attachment "Audubon Letter to NPS.pdf" deleted by Mike  
Murray/CAHA/NPS] [attachment "ATT00001.htm" deleted by Mike  
Murray/CAHA/NPS]