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Head of nonprofit providing free legal aid to Drakes Bay Oyster Co. worked for **Koch** brothers

BYLINE: By Richard Halstead Marin Independent Journal

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The head of Cause of Action, the Washington D.C.-based nonprofit representing the Drakes Bay Oyster Co. in its lawsuit against the federal government, has had ties to the **Koch** brothers, wealthy industrialists who have funded ultra-conservative and libertarian policy and advocacy groups, most notably the Tea Party.

Dan Epstein, Cause of Action's executive director, worked for the Charles G. **Koch** Charitable Foundation from June 2008 to January 2009, according to Mary Beth Hutchins, a spokeswoman for Cause of Action.

When Epstein left the **Koch** foundation he took a job for the U.S. House Committee on Oversight and Government Reform, headed by California GOP Congressman Darrell Issa. Under Issa's leadership, the committee has mounted a series of investigations into the Obama administration since the Republicans took control of the House in 2010. Those investigations included the National Park Service's handling of the Drakes Bay Oyster Co.'s request for a special use permit.

Epstein left that job to head the newly formed Cause of Action in August 2011.

Reached by phone at his Washington D.C. office Thursday, Epstein declined to comment on his work for the **Koch** brothers or the Committee on Oversight and Government Reform.

The source of Cause of Action's funding is not yet public because the nonprofit has not yet had to file a federal tax return with the IRS. Hutchins declined to identify the organization's donors.

"Like a lot of other nonprofits here in D.C., we respect the privacy of our donors and keep those private," Hutchins said.

Cause of Action's other legal actions have included lawsuits on behalf of a Chinese-owned company seeking to build wind farms in Oregon and a California woman who is trying to start a family with her girlfriend, using free sperm provided by a man she has chosen.

Cause of Action is representing Drakes Bay Oyster Co. free of charge, along with Stoel Rives, LLP and SSL Law Firm, LLP. The suit Cause of Action filed Monday against the federal government asserts that the Department of the Interior was required to complete a comprehensive environmental review before deciding whether to allow Drakes Bay Oyster Co. to continue operations on National Park Service land. The suit alleges that Secretary of the Interior Kenneth Salazar's refusal to grant the oyster farm a special use permit constitutes the hijacking of a property right.

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Neal Desai, associate director of the National Parks Conservation Association Pacific Region, said if commercial and private interests seeking to operate on public land are able to force the government to do costly environmental reviews each time before denying access, the government's ability to make policy will be crippled.

"It would result in inaction," Desai said, "and then there would be political pressure for Congress to intervene."

Desai said the legal argument being made by Cause of Action and the other law firms is undermined by a letter that Ryan Waterman, a lawyer with Stoel Rives, sent to Salazar on Nov. 1, before Salazar issued his decision requiring the oyster farm to close. In the letter, Waterman urges Salazar to grant the oyster farm a special use permit for 10 years without completing an official environmental review, "based on the wealth of information already in the public record."

Hutchins said Cause of Action only became involved in the Drakes Bay issue last week. "We really can't speak to the intent of Stoel Rives and their letter," she said.

Does Cause of Action believe that the government is always required to do an environmental impact report before denying access to public land for a private, commercial use?

Hutchins said, "We're not taking a position on that either way at this point."

Contact Richard Halstead via e-mail atrhalstead@marinij.com

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