



# Tell your Senators: Vote NO on Bernhardt for Interior Secretary (We don't need another lobbyist)

Published on March 11th, 2019



**TAGGED:** CALIFORNIA WATER WARS, DAVID BERNHARDT, DELTA SMELT, DEPARTMENT OF THE INTERIOR, DOI, DRAIN THE SWAMP, EXTINCTION



California fishing, water and environmental organizations and tribal leaders brought up serious ethical questions about acting Interior Secretary David Bernhardt in a [letter](#) sent to Senators Warren, Blumenthal and Harris today.



By Dan Bacher

Privacy & Cookies: This site uses cookies. By continuing to use this website, you agree to their use. To find out more, including how to control cookies, see here: [Cookie Policy](#).

Close and accept



CNN   
@CNN



David Bernhardt is a former fossil fuels lobbyist who now leads the Interior Department. Since he joined it in 2017, the department has made at least 15 policy changes, decisions or proposals that would directly benefit Bernhardt's former clients.

[cnn.it/2EDO8hG](https://www.cnn.com/2019/03/06/politics/bernhardt-confirmation/index.html)

2:08 PM - Mar 6, 2019

 128  165 people are talking about this

In a joint press release, the coalition said, “A brutal confirmation fight is expected soon in the Senate as President Trump has now nominated Bernhardt to permanently lead the Department of the Interior. Bernhardt has served as deputy secretary since early in the Trump administration, and became acting secretary after Ryan Zinke resigned in December 2018 under an ethical cloud.”

- **Should corrupt Interior Secretary Zinke resign? His replacement would be even worse...**

According to a story I broke here in January and has not reported anywhere else, a fish survey that the California Department of Fish and Wildlife (CDFW) conducts every autumn turned up zero Delta smelt — the very same fish that Bernhardt is trying to strip protections for — throughout the monitoring sites in the Sacramento-San Joaquin River Delta in September, October, November and December 2018.

- **For the first time ever, ZERO delta smelt found in CDFW Fall Midwater Trawl**

The coalition sending the letter today includes: the Planning and Conservation League, AquAlliance, Crab Boat Owners Association, Pacific Coast Federation of Fishermen’s Association, Environmental Water Caucus, Winnemem Wintu Tribe, Sierra Club California,

Privacy & Cookies: This site uses cookies. By continuing to use this website, you agree to their use.  
To find out more, including how to control cookies, see here: [Cookie Policy](#).

Close and accept

“Deputy Interior Secretary David Bernhardt’s conflicts of interest related to his work with Westlands Water District are well documented,” said Barbara Barrigan-Parrilla, executive director of Restore the Delta in Stockton. “He is working to rewrite the rules of California water management for the benefit of the Westlands at the expense of the San Francisco Bay-Delta estuary and California urban water users. His advancement to Secretary of the Interior needs to be stopped, and his work as Deputy Secretary needs to be investigated by the Inspector General.”

Bernhardt has served as one of the main architects of the Trump administration’s agenda. [CNN has reported](#) that since Bernhardt joined Interior in 2017, the agency has made at least 15 policy changes, decisions or proposals that would directly benefit Bernhardt’s former clients, mostly regarding oil industry concerns.

Privacy & Cookies: This site uses cookies. By continuing to use this website, you agree to their use.  
To find out more, including how to control cookies, see here: [Cookie Policy](#).

Close and accept

### *Center for Western Priorities analysis*

California groups warn Congress that Bernhardt's clients also included California's powerful Westlands Water District. In his lobbying disclosures, Bernhardt had listed "potential legislation regarding the Bureau of Reclamation and the Endangered Species Act" under his specific

Privacy & Cookies: This site uses cookies. By continuing to use this website, you agree to their use.  
To find out more, including how to control cookies, see here: [Cookie Policy](#).

Close and accept

in decisions that he previously worked on as a lobbyist for two years. Activists believe he has

not honored this pledge and warn that he is now participating in decision that would send more water from the San Francisco Bay-Delta Estuary to Fresno-based Westlands and weak endangered fish protections,” according to the groups.

In the [letter](#) sent today California organizations warn that:

- “Westlands is seeking a permanent water contract to replace their two-year interim contract under Section 4011 of the WIIN Act whereby they will be free from acreage limitations and full cost pricing of water deliveries. The contract is being negotiated in secret and could allow for the permanent delivery of 1 million acre-feet of water per year, enough for 1 to 2 million households annually, for the benefit of under 400 farms, despite drought conditions in California. No public record exists of how this will impact public trust resources and water planning in California.”
- “The Secretary of Interior could rule as soon as April, 2019 determining the financial conditions for this permanent water contract with such dramatic changes. Yet, questions remain unanswered about Westlands Water District’s obligation to repay its share of over \$80 million back to the Federal Government for unauthorized Delta tunnels planning expenses. Presently, the Delta tunnels project, known as California WaterFix, has been placed on hold by Governor Newsom to allow for the possible redevelopment of a single tunnel project for California’s State Water Project. Westlands is no longer a participating member in WaterFix planning.”

***Tell your Senators: Vote NO on Bernhardt! Use this app:***

Privacy & Cookies: This site uses cookies. By continuing to use this website, you agree to their use.  
To find out more, including how to control cookies, see here: [Cookie Policy](#).

Close and accept

# Take Action!

Enter your zip so that we can find your lawmakers.

FIND

# Take Action!

Enter your zip so that we can find your lawmakers.

FIND

## Bernhardt rolling back fish protections

As the Delta smelt moves closer to the abyss of extinction, Bernhardt has been working on rolling back Endangered Species Act (ESA) protections for the Delta Smelt.

This is a policy change that directly favors his former client, the Westlands Water District, the largest agricultural water district in the United States, according to a *New York Times* [story](#).

“Although Bernhardt claims he was allowed to work on the issue after receiving verbal approval from Interior Department lawyers, independent ethics specialists quoted in the story say his working on a policy that would disproportionately benefit a former client is a clear conflict of interest,” according to a news release from the Western Values Project.

Privacy & Cookies: This site uses cookies. By continuing to use this website, you agree to their use. To find out more, including how to control cookies, see here: [Cookie Policy](#).

Close and accept

agreement, we don't know what is. Bernhardt has been caught red-handed carrying water for Westlands, a former client that was even on the notecard he keeps in his pocket listing his vast conflicts of interest. This raises questions that only a formal investigation may be able to answer."

The story reveals that Bernhardt "directed David Murillo, a senior water-resources official for the mid-Pacific region, to begin the process of weakening protections for the smelt and another fish, the winter-run Chinook salmon, to free up river water for agriculture."

"The policy change directly benefits Westlands Water District, and is what Westlands paid Bernhardt to lobby on when he was their lobbyist. Before Bernhardt began at Interior, the story reports, Westlands paid Bernhardt's former firm, Brownstein Hyatt Farber Schreck, at least \$1.3 million in lobbying fee, according to Saeger.

"Westlands Water District [appears](#) on David Bernhardt's recusal note card, which he [carries](#) around with him while he's at work so he can keep track of which former clients he isn't allowed to work with," noted Saeger.

Privacy & Cookies: This site uses cookies. By continuing to use this website, you agree to their use.  
To find out more, including how to control cookies, see here: [Cookie Policy](#).

Close and accept

Western Values Project (WVP) was forced to file [suit](#) for public records requesting communications between Bernhardt, the Interior officials and Westlands Water District on July 30, 2018, after the Interior Department failed to provide responsive documents, according

The group filed the original Freedom of Information Act (FOIA) [request](#) filed on May 4, 2018. The court recently ordered the department to provide a status report to WVP on the public records by February 22.

in 2018, WVP launched [davidbernhardt.org](http://davidbernhardt.org) in order to keep track of Bernhardt's numerous conflicts of interest.

## **A critical time for Delta smelt, salmon and other imperiled species**

The exposure of Bernhardt's enormous conflict of interest takes place at a critical time for Delta smelt, salmon and other San Francisco Bay Delta fish populations. For the first time ever, a fish survey that the California Department of Fish and Wildlife (CDFW) conducts every autumn turned up zero Delta smelt throughout the monitoring sites in the Sacramento-San Joaquin River Delta in September, October, November and December 2018.

The smelt, a 2 to 3 inch fish listed under both federal and state Endangered Species Acts, is found only in the Delta estuary. It is regarded as an indicator species, a fish that demonstrates the health of the entire Delta ecosystem.

Once the most abundant fish in the entire estuary, the population has collapsed to the point where not one fish was found in the 2018 Fall Midwater Trawl survey. The 2018 abundance index (0), a relative measure of abundance, is the lowest in FMWT history.

"No Delta Smelt were collected from any station during our survey months of September-December," wrote James White, environmental scientist for the CDFW's Bay Delta Region.

This is not the only survey of Delta smelt populations that the CDFW conducts — and the other assessments have found smelt, although in alarmingly low numbers.

White noted, "While this survey did not catch any Delta Smelt, it does not mean they are not present. Spring Kodiak Trawl (SKT) survey caught 5 Delta Smelt in December."

White also said another survey, the Enhanced Delta Smelt Monitoring (EDSM) survey, caught 13

Privacy & Cookies: This site uses cookies. By continuing to use this website, you agree to their use.  
To find out more, including how to control cookies, see here: [Cookie Policy](#).

Close and accept



the edge of extinction, Governor Jerry Brown and his administration did nothing to reverse the trend, but only helped to worsen the endangered fish's status, according to fishermen and environmentalists.

Before this fall, the 2017 abundance index (2) was lowest in FMWT history. Only 2 Delta smelt were collected at index stations in the survey during the fall of 2017.

Privacy & Cookies: This site uses cookies. By continuing to use this website, you agree to their use.  
To find out more, including how to control cookies, see here: [Cookie Policy](#).

Close and accept

administration agreed with the delisting, in the 2018 fall survey either.

The striped bass, a popular gamefish that migrates from the ocean, San Francisco Bay and Delta up into the Sacramento and San Joaquin rivers every spring to spawn, also showed an alarming drop in abundance during the survey.

The 2018 abundance index (42) for striped bass was the lowest in FMWT history, slightly less than the previous low value (43) in 2010. Thirty-one age-0 striped bass were collected at index stations, noted White.

The longfin smelt, a cousin of the Delta smelt, isn't faring very well either in the estuary. "The 2018 abundance index (52) was the 5th lowest value in FMWT history, a 63% reduction from the previous year. Thirty-one Longfin Smelt were collected at index stations," said White.

The number of threadfin shad, an introduced forage fish species, continued to decline. The 2018 abundance index (198) was the 4th lowest in survey history, a 32% reduction from the previous year. The CDFW found 150 threadfin shad at index stations.

The abundance of American shad in the trawl is also disappointing. The 2018 abundance index (1064) was the 21st lowest value on record, a 66% reduction from the previous year. Seven-hundred and two American shad were collected at index stations.

The January 2 memo summarizing the Fall Midwater Trawl results is available here: [nrm.dfg.ca.gov/...](http://nrm.dfg.ca.gov/)

The link to the Fall Midwater Trawl monthly abundance indices is available here: [www.dfg.ca.gov/...](http://www.dfg.ca.gov/)

## **Governor Brown's legacy: several extinctions of fish?**

Bill Jennings, Executive Director of the California Sportfishing Protection Alliance (CSPA), commented on the disastrous decline of Delta smelt and other fish species in the Fall Midwater Trawl by the California Department of Fish and Wildlife (CDFW).

"The abundance of both Delta smelt and striped bass is the lowest in the trawl's history," said Jennings. "Longfin is the fifth lowest, threadfin shad is the fourth lowest, American shad is a 66 percent reduction from the previous year and the splittail is zero. This is a very comprehensive trawl and the results were a disaster for Delta fisheries."

"Not only is the Delta smelt on the brink of extinction but there are several species lined up

Privacy & Cookies: This site uses cookies. By continuing to use this website, you agree to their use.  
To find out more, including how to control cookies, see here: [Cookie Policy](#).

Close and accept

“We know what fish need. Fish prosper when they have adequate flows and quality water. They suffer when they don’t. The question is how do we get them to survive on less water of poorer quality than they evolved with for thousands of years. The answer appears to be they can’t,” Jennings concluded.

Dr. Jonathan Rosenfield, the Lead Scientist for The Bay Institute, emphasized in a tweet that Delta smelt are “not extinct,” since other sampling programs still catching them.

“Extinction is not imminent (if agencies take action),” he noted. “‘Flexible’, ‘adaptive’ implementation of the ESA (Endangered Species Act) has not worked. It’s time to enforce protections.”

Scientists don’t have any easy answer for the precipitous decline of Delta smelt over the past couple of years, particularly in 2017, a record water year when biologists would have expected a rebound.

“The answer is that we really don’t know,” said Dr. Peter B Moyle, Distinguished Professor, Emeritus, at the Department of Wildlife, Fish, and Conservation Biology, Center for Watershed Sciences, UC Davis, in December 2017. “The best explanation I can think of is that numbers are so low that an increase (or decrease) in the index would not be detectable with the FMT sampling.”

“Another is that there was so much water last winter (2017) that smelt were more dispersed than usual and had a hard time finding mates; this would keep numbers low. When numbers are as low, as they clearly are for smelt, random factors in sampling, in distribution, in spawning success etc can make a big difference to the total population or the index,” said Moyle.

“Note that Delta smelt are still abundant enough in places so that focused sampling can find them. For example, Tien-Chieh Hung had no problem collecting a 100 smelt in one day for his smelt culture program,” he noted.

## Massive water exports spurred collapse of Delta smelt

A number of factors have resulted in the decline of Delta smelt and the other pelagic species, including increases in toxics and invasive species, but no factor has helped precipitate the collapse of Delta fish species more than the export of big quantities of water to agribusiness and Southern California water agencies from the state and federal pumping facilities in the

Privacy & Cookies: This site uses cookies. By continuing to use this website, you agree to their use.  
To find out more, including how to control cookies, see here: [Cookie Policy](#).

Close and accept

was 163,000 acre-feet more than the previous record of 6,470,000 acre-feet set in 2005 under the Schwarzenegger administration, according to DWR data.

Found only in the Sacramento-San Joaquin River Delta, the Delta smelt mainly inhabits the freshwater-saltwater mixing zone of the estuary, except during its spawning season. That's when it migrates upstream to freshwater following winter "first flush" flow events, around March to May.

The smelt is very susceptible to changes in the environmental conditions of its habitat due to its one-year lifecycle and relatively low fecundity. Because of this, the fish is regarded as an "indicator species" that demonstrates the health of the Delta ecosystem.

It is imperative that the Gavin Newsom administration break with the failed water policies of Brown and his predecessors and adopt rational water policies, based on science, that restore Delta smelt, Chinook salmon, steelhead and other fish species and the San Francisco Bay Delta ecosystem while providing a reliable and sustainable water supply for all Californians.

Remember: Extinction is forever. If the smelt becomes extinct, salmon, steelhead and other fish species will soon follow.

*Background from CDFW: The California Department of Fish and Wildlife has conducted the Fall Midwater Trawl Survey (FMWT) to index the fall abundance of pelagic fishes nearly annually since 1967. FMWT equipment and methods have remained consistent since the survey's inception, which allows the indices to be compared across time. These relative abundance indices are not intended to approximate population sizes. However, we expect that our indices reflect general patterns in population change.*

*The FMWT conducts monthly surveys from September through December. The annual abundance index is the sum of the September through December monthly survey indices. During each monthly survey, one 12-minute oblique midwater trawl tow is conducted at each of 100 index stations used for index calculation and at an additional 22 non-index stations that provide enhanced distribution information.*

*The 2018 sampling season completed on December 18. Field crews successfully conducted tows at all index and non-index stations during the first three survey months. Two non-index stations in Cache Slough (stations 713 and 721) were not sampled in December due to heavy vegetation damaging sampling gear.*

Privacy & Cookies: This site uses cookies. By continuing to use this website, you agree to their use.  
To find out more, including how to control cookies, see here: [Cookie Policy](#).

Close and accept

For more ways to take action to oppose Bernhardt's nomination, go here: [actionnetwork.org/...](http://actionnetwork.org/)

## More of our coverage of David Bernhardt:

- [Sen Wyden calls for federal investigation of DOI nominee David Bernhardt's corrupt lobbying](#)
- [Even Swamp Monsters Are Shocked by DOI Admin Bernhardt's Corruption](#)
- [Trump's nominee for Interior Secretary comes with a ton of ethical baggage](#)
- [Bernhardt advances to full Senate vote despite questions of blatant corruption](#)
- [Senate will vote on Bernhardt for DOI – as House investigates his corruption](#)
- [Tell your Senators: Vote NO on Bernhardt for Interior Secretary \(We don't need another lobbyist\)](#)
- [Drain the Swamp: Trump's cabinet is so corrupt, polluters don't even need lobbyists anymore](#)
- [Oil hack Ryan Zinke is out at Department of Interior. Enter: Next oil hack](#)

### How much money can a solar roof save you in California?



Profit from your roof space: find local deals on solar in your area, eliminate your power bill.

95621

[Calculate My Savings!](#)

Share this:



[Senate will vote on Bernhardt for DOI - as House investigates his corruption](#)

[Bernhardt advances to full Senate vote despite questions of blatant corruption](#)

[Even Swamp Monsters Are Shocked by DOI Admin Bernhardt's Corruption](#)

Privacy & Cookies: This site uses cookies. By continuing to use this website, you agree to their use. To find out more, including how to control cookies, see here: [Cookie Policy](#).

[Close and accept](#)

---

## About the Author

[Dan Bacher](#) Dan Bacher is an environmental journalist in Sacramento who focuses on California's water issues, a healthy environment for the salmon fishery of the Northwest, and the attempts by big agriculture and big oil to hog all the water.

## Related Posts

Privacy & Cookies: This site uses cookies. By continuing to use this website, you agree to their use.  
To find out more, including how to control cookies, see here: [Cookie Policy](#).

Close and accept

Why are some conservationists happy that oil lobbyist David Bernhardt is the new Interior Secretary?

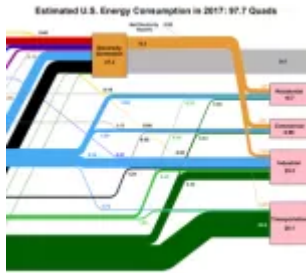
Goldman Sachs gives low-ball estimate of Delta Tunnels costs

Drain the Swamp: Trump's Interior Deputy just can't stop lobbying

Should corrupt Interior Secretary Zinke resign? His replacement would be even worse...

Privacy & Cookies: This site uses cookies. By continuing to use this website, you agree to their use. To find out more, including how to control cookies, see here: [Cookie Policy](#).

Close and accept



## We shattered a CO2 record last month. Here's how we can build a Green New Deal.

May 05, 2019

It's impossible to talk about infrastructure without talking about the Green New Deal. For the purpose of these diaries, we will refer to the version(1) of the Green New Deal put out by Rep. Ocasio-Cortez in H.Res. 109. This bill calls for the United States to convert to 100% renewable energy within 10 years through a massive mobilization on the order [...]



RedGREENandBlue is part of the [Important Media](#) network of blogs working to make the world a better, greener place. We cover climate change, clean energy, solar power, healthy food, and the national and local politics and policy that make it all possible.

The content produced by this site is for entertainment purposes only. Opinions and comments published on this site may not be sanctioned by, and do not necessarily represent the views of [Sustainable Enterprises Media, Inc.](#), its owners, sponsors, affiliates, or subsidiaries.

Privacy & Cookies: This site uses cookies. By continuing to use this website, you agree to their use. To find out more, including how to control cookies, see here: [Cookie Policy](#).

Close and accept



5

Privacy & Cookies: This site uses cookies. By continuing to use this website, you agree to their use.  
To find out more, including how to control cookies, see here: [Cookie Policy](#).

Close and accept