

|       |          |          |           |        |          |       |
|-------|----------|----------|-----------|--------|----------|-------|
| HOME  | ARTICLES | MAGAZINE | SUBSCRIBE | DONATE | ARCHIVES | ABOUT |
| BOOKS | PODCASTS | FAQS     |           |        |          |       |

APRIL 8, 2019

# Committee Votes to Move David Bernhardt's Nomination as Interior Secretary to Full Senate Vote

by [DAN BACHER](#)

The Senate Energy and Natural Resources Committee on April 4 voted 14-6 to move the nomination of Acting Interior Secretary David Bernhardt, a former Westlands Water District and oil industry lobbyist, to a full Senate vote, setting the stage for a contentious and heated debate.

In his lobbying disclosures, Bernhardt has listed “potential legislation regarding the Bureau of Reclamation and the Endangered Species Act” under his specific lobbying areas, including trying to minimize protections for endangered salmon, Delta smelt and other fish populations.

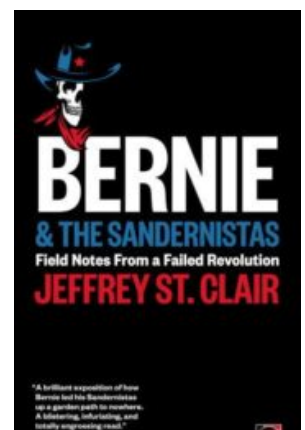
According to a story I broke in January, a fish survey that the California Department of Fish and Wildlife (CDFW) conducts every autumn turned up zero Delta smelt — the very same fish that Bernhardt is trying to strip protections for — throughout the monitoring sites in the Sacramento-San Joaquin River Delta in September, October, November and December 2018. ([www.dailykos.com/...](http://www.dailykos.com/))

“It’s no surprise that a group of Senators who owe so much to special interest lobbyists would support this choice for Interior Secretary,” said Western Values Project’s Director Chris Saeger in a statement in response to

Search



New from  
CounterPunch



Get news updates from  
CounterPunch



committee's vote. "For the last two years, conflict-ridden David Bernhardt has tipped the scales in favor of former clients, likely violating his ethics pledge and responsibilities to the American people."

"Western Senators Heinrich, Gardner, McSally, and Daines greased the wheels to push Bernhardt's controversial nomination forward before getting clear answers to critical questions regarding his serious conflicts of interests. There is still time for them to reverse this mistake by voting to reject Bernhardt on the floor of the Senate. Until that happens, they will have to live with being known as full-throated supporters of Trump's conflicted ex-lobbyist pick to run our nation's public lands," Saeger said.

During Bernhardt's hearing, Senators were unable to get clarification on several key conflicts of interest questions raised by Western Values Project. In addition, calls by Senator Wyden and others to delay his vote based on "serious concerns regarding Bernhardt's culture of corruption" were ignored, said Saeger.

Two Democrats, Senators Joe Manchin (WV) and Mark Heinrich (NM), and Independent Angus King (ME) joined with every Republican on the committee in voting to confirm Bernhardt. Western Senators Martha McSally (AZ), Cory Gardner (CO), and Steve Daines (MT) also supported the former lobbyist, according to Saeger.

The Washington Post reported this week that, at the request of two watchdog groups and several Senators, Interior's Office of Inspector General is reviewing evidence that Bernhardt violated his ethics pledge when he acted on behalf of a former client, Westlands Water District.

Then today (April 4) new details released by the New York Times revealed that Bernhardt had continued to associate with the water district at least until his deputy secretary

**May 06, 2019**

MARK KERNAN

**Big Tech and the Rise of Surveillance Capitalism**

ROBERT HUNZIKER

**Silent Spring's Encore**

BEN DEBNEY

**Crisis-Afflicted Humanity is like an Alzheimer's Patient Lost in the Forest**

BINOY KAMPMARK

**Disproportionate Sentences: Julian Assange, Bail, and Extradition**

THOMAS KNAPP

**Julian Assange: An Opportunity for the US and the UK to Change Direction on Press Freedom**

HOWARD LISNOFF

**The Day People Disappeared and a New Strategy for Stealing Votes**

ROBERT FISK

**Meeting Haider al-Abadi, the Once, and Perhaps Future, Prime Minister of Iraq**

ROBERT KOEHLER

**Nonviolence on**

Get news updates from  
CounterPunch



nomination on April 28, 2017, according to Saeger. Within four months of his confirmation as Interior Deputy Secretary, Bernhardt pushed for a decision that would be beneficial for his former client.

“A 2017 invoice indicates that David Bernhardt, President Trump’s choice to lead the Interior Department, continued to lobby for a major client several months after he filed official papers saying that he had ended his lobbying activities,” said Times reporter Coral Davenport.

“The bill for Mr. Bernhardt’s services, dated March 2017 and labeled ‘Federal Lobbying,’ shows, along with other documents, Mr. Bernhardt working closely with the Westlands Water District as late as April 2017, the month Mr. Trump nominated him to his current job, deputy interior secretary. In November 2016, Mr. Bernhardt had filed legal notice with the federal government formally ending his status as lobbyist,” Davenport wrote.

Western Values Project (WVP) filed suit against the Interior Department in July of 2018 for public documents related to Bernhardt’s involvement with his former lobbying firm and clients. “Interior has been stonewalling the release of the documents and only now begun releasing preliminary documents related to the ten requests and comply with the joint status agreement,” said Saeger.

In response to the New York Times article’s revelations about Bernhardt’s lobbying for Westlands after he began working for Interior, Barbara Barrigan-Parrilla, Executive Director of Restore the Delta, said: “Our friends at Pacific Advocates confirmed what we suspected – that Trump’s nominee for Secretary of Interior, David Bernhardt, was lobbying for Westlands Water District after going to work for the Trump Administration. Invoices show he was busying lobbying for weakening endangered species protections and water rights for the Bay-Delta estuary.”

ELEANOR EAGAN

**Bold Calls to Tax the Rich, But Not Enough Talk of Enforcement**

MAT CALLAHAN

**National Liberation in an International Context**

RALPH NADER

**Note To the Environmental Community**

ELLIOT SPERBER

**Every Seed’s a Bomb**

**Weekend Edition**

**May 03, 2019**

**Friday - Sunday**

ROB URIE

**Environmental Crisis, Oil Geopolitics and the Trump Diversion**

BRUCE E. LEVINE

**Lou Reed: That Which Does Not Kill Us Can Radicalize Us**

JEFFREY ST. CLAIR

**Roaming Charges: Biden in Plain Sight**

PETE DOLACK

**Big Corporations**

Get news updates from  
CounterPunch



She also pointed out how Senator Dianne Feinstein was in contact with Bernhardt and Westlands regarding the weakening of Delta protections.

“During his period of double employment and conflict of interest, Senator Feinstein’s office was in contact with him and Westland’s General Manager Tom Birmingham on this weakening of Delta protections,” Barrigan-Parrilla stated. “This pains us because we thought we saw movement in Senator Feinstein’s thinking on Delta management.”

“While she opposed the twin tunnels, she seems fine with just pumping all the water away and destroying Delta fisheries, part of our historical and cultural legacy, and our water quality for public health protections. That’s not a better solution for the Delta. Her staff knew the nominee for Interior had conflicted interests and engaged with him regardless of his status, but Delta leaders seldom hear from her office. We expect better Senator Feinstein,” she concluded.

On March 19, a coalition of California fishing groups, conservation organizations and the Winnemem Wintu Tribe sent a letter to Senator Dianne Feinstein seeking an investigation and public disclosure of Bernhardt’s role in granting the powerful Westlands Water District a permanent water supply contract. The groups also demanded that taxpayers be repaid for Westlands’ Delta Tunnels’ bills before his confirmation hearing.

“In advance of Mr. Bernhardt’s Senate confirmation hearing on March 28, we draw your attention to the dark ethical cloud that hangs over his nomination,” the letter states. “Questions about a broad range of potential conflicts have been submitted by other Senators to the Inspector General and there have been numerous, publicly-reported conflicts of interest, violations of ethics recusals, and a pattern of

T.J. COLES

**The Billionaires Behind the Far-Right**

PAUL STREET

**Someone Tell Krugman: We Don’t Even Have a Paper Democracy**

ANDREW LEVINE

**Pelosi’s Trump Problem and Ours**

KENN ORPHAN

**To Be Hopeful in Bad Times**

RALPH NADER

**Trump vs. Congress and Our Constitution**

LINDA G. FORD

**Black Women Political Prisoners of the Police State**

ROBERT FISK

**What Past Civil Wars Tell Us About the Future of Syria**

THOMAS S. HARRINGTON

**Elections in Spain: Regime Maintenance Disguised as Democratic Vitality and the Possibility of Change**

LEE HALL

**The Last Kentucky Derby**

Get news updates from  
CounterPunch



repeated favoritism Mr. Bernhardt has extended to almost all of his former clients.”

“All of the potential conflicts need to be assessed, but our specific emphasis herein is to urge you to investigate two concerns of unique importance to California: (1) Westlands’ pending request for a permanent water supply contract for more than 1 Million Acre-feet (MAF) and (2) the repayment of \$84.8 million in federal taxpayer dollars, paid by Interior to cover Westlands’ (and three other federal water contractors’) Delta water tunnel costs,” the letter states.

The coalition sending the letter included: the Crab Boat Owners Association, Pacific Coast Federation of Fishermen’s Association, AquAlliance, Environmental Water Caucus, Winnemem Wintu Tribe, Sierra Club California, Southern California Watershed Alliance, Institute for Fisheries Resources, CA Save our Streams Council, California Water Impact Network, Save the American River Association, Local Agencies of the Delta, Restore the Delta, North Coast Rivers Alliance and California Sportfishing Protection Alliance and Planning and Conservation League.

The latest revelations about Bernhardt’s enormous conflicts of interest take place at a critical time for salmon, Delta smelt 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 that was once the most abundant fish in the Delta, 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.

## **The Coming of American Fascism, 1920–1940**

RAMZY BAROUD

## **France and the EU, Recognizing Yet Supporting Apartheid Reality in Palestine**

JOHN FEFFER

## **The Ends of Arms Control**

TED RALL

## **The Secret Campaign for 2020: Where the Democratic Candidates Stand on Foreign Policy**

IISHANA ARTRA

## **Is 5G Worth the Risks?**

BRIAN CLOUGHLEY

## **The Pentagon, Brussels and London Have Georgia on Their Minds**

GARY LEUPP

## **Sri Lanka, ISIL and Religious Tribalism**

REBECCA GORDON

## **Of Autocrats and Uprisings in the Middle East and North Africa**

JOHN W. WHITEHEAD

## **Predator Cops, Guilty of Sex Crimes Against**

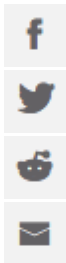
Get news updates from  
CounterPunch



## [Join the debate on Facebook](#)

More articles by: [DAN BACHER](#)

*Dan Bacher is an environmental journalist in Sacramento. He can be reached at: Dan Bacher [danielbacher@fishsniffer.com](mailto:danielbacher@fishsniffer.com).*



### **Children, Are a Menace to Society**

EVAGGELOS  
VALLIANATOS

### **Dare to Know: the Paradox of Greek History**

RON JACOBS

### **Making (and Raising) Babies in the USA**

JEAN STOKAN

### **A Border Crisis of Our Own Making**

ADRIAN KUZMINSKI

### **Doing the Math: What it Takes to Fund a Universal Basic Income**

CHRISTOPHER  
BRAUCHLI

### **I Played One on TV**

DEAN BAKER

### **Medicare for All Act: Testimony Before House Rules Committee**

CESAR CHELALA

### **The Scientist and the Thief**

MICHAEL DOLINER

### **The State of the State**

GLORIA OLADIPO

### **The Real Threats to Free Speech on Campus**

ELLIOT MINCBERG

### **Confirmed Judges,**

Get news updates from  
CounterPunch



**Pete Seeger Lives!  
(Where Love  
Conquers Hate)**

**CounterPunch**

Tells the Facts and Names the  
Names  
Published since 1996  
Copyright © CounterPunch  
All rights reserved.  
[counterpunch@counterpunch.org](mailto:counterpunch@counterpunch.org)

**Mailing Address**

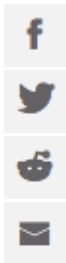
CounterPunch  
PO Box 228  
Petrolia, CA 95558  
**Telephone**  
1(707) 629-3683

**Editorial**

Jeffrey St. Clair, Editor  
Joshua Frank,  
Managing Editor  
Nathaniel St. Clair,  
Social Media  
Alexander Cockburn,  
1941-2012

**Business**

Becky Grant  
Business Manager  
[counterpunchbiz@gmail.com](mailto:counterpunchbiz@gmail.com)  
Deva Wheeler  
Subscription and merchandise  
fulfillment  
[counterpunchdeva@gmail.com](mailto:counterpunchdeva@gmail.com)



**Get news updates from  
CounterPunch** 