

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

April 5, 2019

Mr. Don Peracchi, President
Board of Directors
Westlands Water District
3130 N. Fresno Street, P.O. Box 6056
Fresno, CA, 93703-6056

Mr. Thomas Birmingham
General Manager
Westlands Water District
3130 N. Fresno Street, P.O. Box 6056
Fresno, CA, 93703-6056

Dear Mr. Peracchi and Mr. Birmingham:

The House Natural Resources Committee is examining potential conflicts of interest. We are concerned that the relationship between David Bernhardt, the current Deputy Secretary and Acting Secretary of the Interior, and the Westlands Water District may not be mitigated sufficiently to give the American people confidence that decisions are being made in the public interest.

Serious questions have been raised regarding the potential conflicts between his work as a top official at the Department of the Interior (DOI) and his previous work as a lobbyist and lawyer with Brownstein Hyatt Farber Schreck representing the Westlands Water District.¹ These potential conflicts have been described in national news reports and in numerous complaints filed with the Inspector General and Office of Government Ethics.² It is essential that the Congress and the American people have a full and complete record of the relationship between Mr. Bernhardt and Westlands so these questions can be answered, and potential conflicts of interest can be addressed.

According to publicly filed Lobbying Disclosure Act reports, Mr. Bernhardt's work on behalf of the Westlands Water District included potential legislation regarding the Bureau of Reclamation and the Endangered Species Act, energy and water appropriations, and settlement of litigation. During his tenure as Deputy Secretary and as Acting Secretary, DOI has taken several actions to advance Westlands' interests on these matters, including by acting to maximize water

¹ Eilperin, Juliet. "Interior Dept. watchdog reviewing allegations that acting secretary violated Trump ethics pledge," *Washington Post* (April 3, 2019), <https://www.washingtonpost.com/climate-environment/2019/04/02/interiors-watchdog-is-reviewing-allegations-that-david-bernhardt-violated-trump-ethics-pledge/>

² Letter from Campaign Legal Center to Inspector General. February 28, 2019. Available at <https://campaignlegal.org/sites/default/files/2019-02/2-28-19>

Letter from Campaign for Accountability to Office of Government Ethics. February 19, 2019. Available at <https://campaignforaccountability.org/CfA-Request-IG-Investigation-Bernhardt-Westlands-2-19-19.pdf>

supply deliveries by reducing protections for the endangered Delta smelt, and by pursuing WIIN Act funding for the raising of Shasta Dam over the objections of the State of California.³

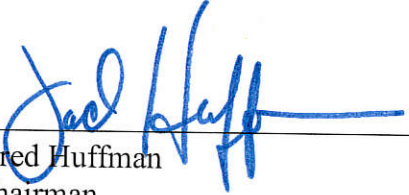
Under Rule X(m)(7) of the House of Representatives, the Committee on Natural Resources' jurisdiction includes "Irrigation and reclamation, including water supply for reclamation projects and easements of public lands for irrigation projects; and acquisition of private lands when necessary to complete irrigation projects." The Committee is also the authorizing Committee for the Department of the Interior, including its component offices and bureaus, its personnel, and its operations.

To assist the Committee's oversight of these issues, please provide all documents and communications associated with David Bernhardt, including but not limited to documents and communications associated with his roles at the Department of the Interior, that are related to:

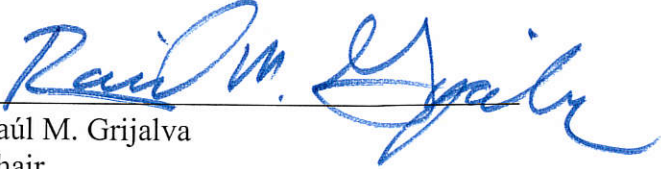
1. The December 15, 2008 Delta smelt biological opinion and any successor opinions;
2. The June 4, 2009 salmonid biological opinion for the Bureau of Reclamation's Central Valley Project and any successor opinions;
3. Any federal legislation relating to these opinions; and
4. Provisions of the Water Infrastructure Improvements for the Nation Act (WIIN Act; P.L. 114-322), enacted on December 16, 2016.

Please contact the Oversight and Investigations Subcommittee staff at (202) 225-6065 with any questions about this request. Thank you for your assistance.

Sincerely,



Jared Huffman
Chairman
Subcommittee on Water, Oceans, and Wildlife



Raúl M. Grijalva
Chair
Committee on Natural Resources

Cc: The Hon. Xavier Becerra, Attorney General, State of California

³ Davenport, Coral. "Top Leader at Interior Dept. Pushes a Policy Favoring his Former Client," *New York Times* (February 12, 2019), <https://www.nytimes.com/climate/davidbernhardt-endangered-species.html>
Miller, Craig. "Shasta Dam Project Sets Up Another Trump-California Showdown," *KQED* (January 28, 2019), <https://www.kqed.org/science/1937108/shasta-dam-project-sets-up-another-trump-california-showdown>