

Panel clears Delta scientists

Alex Breitler, Stockton Record, 1-6-12

Two Delta scientists whose testimony was blasted by a federal judge in September have been cleared of wrongdoing by an independent panel, documents show.

Jennifer Norris and Frederick Feyrer were the subject of scathing oral comments from the bench by then-U.S. District Judge Oliver Wanger after the experts testified that sending more fresh water through the estuary would provide greater habitat for the Delta smelt.

The Fresno-based judge called Norris a "zealot," said both scientists lacked credibility and acted in "bad faith."

Wanger's lengthy comments reinvigorated an ongoing debate whether the government should reduce deliveries of water from the Delta to farms and cities to protect the endangered smelt and other fish.

An independent review commissioned by the U.S. Department of Interior found no evidence that Norris deviated from "standard scientific conduct" and concluded she was not attempting to mislead, although she could have been clearer about how she reached her conclusions. Norris works for the U.S. Fish and Wildlife Service in Sacramento.

The reviewers also found no deception on the part of Feyrer, who is with the U.S. Bureau of Reclamation. The panel found that he changed his opinion and testimony over time based on new scientific evidence, consistent with "good scientific practice," although he did not fully explain the basis for some of his statements.

Interior spokesman Adam Fetcher said in a prepared statement that the department took umbrage with Wanger's "disparaging" comments, but it also felt a need to resolve questions about the scientists' integrity.

Fetcher said the department was "gratified" to see the results of the investigation and said the matter is now closed.

"The accusations leveled at our scientists were unfounded, and these independent findings will clear their names and allow them to continue their important work without distraction," he said.

Wanger retired as a judge in September and is now practicing law as an attorney.

Shortly after he made his critical comments and retired to private practice, news broke that Wanger planned to represent the Westlands Water District - one of the biggest Delta water users - on water-related litigation.

Environmentalists and other critics complained that it would be a conflict of interest for the judge, who had presided over water issues for decades, to represent a district which had been in his courtroom so many times.

Wanger announced in December that he would not work for Westlands after all.