

## 17 Of David Bernhardt's Recusals And Former Clients Racked Up Hand Outs From Interior During Bernhardt's Tenure

**During David Bernhardt's Time As Secretary And Deputy Secretary At Interior, 17 Of His Recusals And Former Clients Have Benefitted From Their Priority Access To Interior, Raking In Environmental Rollbacks, Project Approvals, And Expedited Permits**

### David Bernhardt Began Serving As Deputy Interior Secretary In July 2017 And Was Promoted To Interior Secretary In April 2019...

David Bernhardt Was Confirmed As Deputy Interior Secretary On July 24, 2017. "Colorado native David Bernhardt's nomination by President Donald Trump to the post of deputy Interior secretary was confirmed Monday by the U.S. Senate, despite concerns from Democrats who call him a Washington insider and from conservationists worried about his environmental record." [The Denver Post, [07/24/20](#)]

David Bernhardt Has Served As The Secretary Of The Interior Since April 11, 2019. "David L. Bernhardt serves as the 53rd Secretary of the U.S. Department of the Interior. He was confirmed by the U.S. Senate on April 11, 2019 and took office on the same day." [DOI, accessed [10/26/20](#)]

### ...Despite His Myriad Conflicts Of Interest And Recusals...

David Bernhardt Was Recused From 25 Entities In His 2017 Ethics Documents. [David Bernhardt Ethics Recusal, [08/15/17](#)]

"[Bernhardt] Carries A 4-inch-by-3-inch Card That Lists The Companies He Must Avoid, To Help Him – And Anyone Showing Up At Interior – Navigate The Ethical Thicket." [Jennifer A. Dlouhy & Jesse Hamilton, [Ex-Industry Lobbyists Win Top Jobs in Agencies They Once Fought, Bloomberg, 12/21/17](#)]

David Bernhardt's Ethics Recusal Card (Obtained Via FOIA #OS-2018-00762).

Active Network LLC	08/01/18	National Ocean Industry Association (NOIA)	07/29/18
BHFS-EPC	08/01/18	NRG Energy Inc.	08/01/18
Brownstein Hyatt Farber and Schreck, LLP	08/01/18	Rosemont Copper Company	08/01/18
Cadiz, Inc.	05/01/18	Sempra Energy	04/01/18
Center for Environmental Science Accuracy and Reliability (CESAR)	03/24/18	Statoil Gulf Services LLC	08/01/18
Cobalt International Energy	08/01/18	Statoil Wind LLC	08/01/18
Eni Petroleum, North America	08/01/18	Targa Resources Company LLC	08/01/18
Forest County Potawatomi Community	03/01/18	Taylor Energy Company LLC	07/29/18
Garrison Diversion Irrigation District	08/01/18	UBE PC	08/01/18
Halliburton Energy Services, LLC	07/29/18	U.S. Oil & Gas Association	07/29/18
Hudbay	08/01/18	Westlands Water District	08/01/18
Independent Petroleum Association of America			
Klees, Don (individual)	08/01/18		

**David Bernhardt Lists 24 Former Lobbying And Legal Clients On His Presidential Nominee Statement For The Senate.** [David Bernhardt National Resources Presidential Nominee Statement, [05/08/17](#)]

### **...That Have Benefitted From Interior Gutting Environmental Regulations.**

**While Bernhardt Was Deputy Secretary, The Interior Department Completed or Moved Forward With 25 Policy Actions Requested or Supported By At Least 16 Of His Former Clients.** “An analysis by the Center for Western Priorities finds that during Bernhardt’s tenure as Deputy Interior Secretary, the agency has completed or moved forward with at least 25 policy actions that have been requested or supported by at least 16 of his former clients.” [Westwise, [12/17/18](#)]

### **Interior Attacked Sage Grouse Habitat Protections After Pressure From Bernhardt’s Recusals And Former Clients To Benefit Their Extractive Endeavors**

### **Interior’s Weakened Protections For Embattled Sage Grouse, Allowing Leases And Drillers To Invade Sage Grouse Habitats...**

**Final Sage Grouse Plans Included Opening More Public Lands To Leasing And Allowing Waivers For Drilling To Encroach on Greater Sage Grouse Habitats.** “The Trump administration moved forward Thursday with plans to ease restrictions on oil and natural gas drilling, mining and other activities across millions of acres in the American West that were put in place to protect an imperiled bird species. Land management documents released by the U.S. Interior Department show the administration intends to open more public lands to leasing and allow waivers for drilling to encroach into the habitat of greater sage grouse. Critics warned the changes could wipe out grouse colonies as drilling disrupts breeding grounds. Federal officials under President Barack Obama in 2015 had adopted a sweeping set of land use restrictions intended to stop the birds’ decline.” [Associated Press, 12/6/18]

### **...Benefitting A Wide Range Of Bernhardt’s Special Interests Including Brownstein Hyatt Farber Schreck’s Clients.**

**David Bernhardt was Recused From Working On Particular Matters Involving BHFS-E PC And Brownstein Hyatt Farber Schreck Until August 3, 2019 Under EO 13770.** [Bernhardt Ethics Agreement, [8/15/17](#)]

- **Bernhardt Was Also Recused from Working on Particular Matters Involving BHFS-E PC And Brownstein Hyatt Farber Schreck Until August 1, 2018, Under 5 CFR § 2635.502.** [Bernhardt Ethics Agreement, [8/15/17](#)]

**BHFS Represented A Subsidiary Of The Second Largest Leaseholder Of Sage Grouse Habitat In Colorado.**

- **The Second Largest Leaseholder Of Sage Grouse Habitat In Colorado Is Sandridge Exploration And Production LLLC, Owning 47,002 Acres Of Sage Grouse Habitat.** [All data from LR 2000, accessed 07/10/2017]
- **Sandridge Exploration And Production LLC Is A Subsidiary Of Sandridge Energy, Inc.** [[Company Overview of SandRidge Exploration and Production, LLC](#), accessed 05/09/19]
- **In 2008 And 2009, Sandridge Energy Inc. Used BHFS To Lobby The Federal Government.** [Bloomberg, accessed 09/11/17, Search for SandRidgeEnergy, United States Senate Lobbying Disclosure Act Database, accessed 09/11/17]
- **In 2009, David Bernhardt Worked As A Lobbyist For BHFS.** [Search for David Bernhardt, United States Senate Lobbying Disclosure Act Database, accessed 09/11/17]

#### **BHFS Represented The Seventh Largest Leaseholder Of Sage Grouse Habitat In Colorado.**

- **The Seventh Largest Leaseholder Of Sage Grouse Habitat In Colorado Is The Bill Barrett Corporation, Holding 17,493 Acres Of Sage Grouse Habitat.** [All data from LR 2000, accessed 07/10/2017]
- **Bill Barrett Corporation, In 2009 And 2010, Used BHFS To Lobby The Federal Government.** [Search for Bill Barrett Corporation, United States Senate Lobbying Disclosure Act Database, accessed 09/12/17]
- **Those Same Two Years, David Bernhardt Worked As A Lobbyist For BHFS.** [Search for David Bernhardt, United States Senate Lobbying Disclosure Act Database, accessed 09/12/17]

#### **BHFS Represented The Parent Company Of The Fourth Largest Leaseholder Of Sage Grouse Habitat In Montana.**

- **The Fourth Largest Leaseholder Of Sage Grouse Habitat In Montana Is Denbury Onshore LLC.** [All data from LR 2000, accessed 07/10/2017]
- **Denbury Onshore LLC Operates As A Subsidiary Of Denbury Resources Inc.** ["Company Overview of Denbury Onshore, L.L.C.," Bloomberg, accessed 09/12/17]
- **In 2009 And 2010, Denbury Resources Used BHFS To Lobby The Federal Government.** [Search for Denbury Resources, States Senate Lobbying Disclosure Act Database, accessed 09/12/17]
- **Those Same Two Years, David Bernhardt Worked As A Lobbyist For BHFS.** [Search for David Bernhardt, United States Senate Lobbying Disclosure Act Database, accessed 09/12/17]

## **Cadiz's Sage Grouse Concerns Were Prioritized By Interior Following A Meeting With The Then-Acting Deputy Secretary...**

David Bernhardt was Recused From Working On Particular Matters Involving Cadiz Inc Until August 3, 2019 Under EO 13770. [Bernhardt Ethics Agreement, [8/15/17](#)]

- Bernhardt Was Also Recused from Working on Particular Matters Involving Cadiz Inc Until May 1, 2018, Under 5 CFR § 2635.502. [Bernhardt Ethics Agreement, [8/15/17](#)]

**Cason Served as Acting Deputy Secretary of the Interior until Bernhardt's Nomination was Confirmed.** Rumors of Bernhardt's nomination to Deputy Secretary began circulating in January 2017. Cason joined the Trump Administration as Associate Deputy Secretary on January 20, 2017, and served as Acting Deputy Secretary until David Bernhardt was confirmed in July 2017. [[ProPublica](#), 3/8/17; [Washington Post](#), 7/24/17]

**Following A Meeting with Cadiz, Inc. About Their Pipeline Project, Acting Deputy Secretary James Cason Added Two Action Items to His Task List Regarding Impacts to Railroads.** On March 6, 2017, Interior officials Kathleen Benedetto and Downey Magallanes were assigned to "write an analysis that says the facts suggesting railroad benefits were ignored" and "get rid of the Hillary opinion to leave the matter up to the railroad right of ways" and others. [[Cason Task List](#), accessed 05/08/19]

**Following a Meeting with Cadiz, Inc. About Their Pipeline Project, Cason Added An Action Item to his Feb-March 2017 Task List Regarding Related Impacts to Sage Grouse.** The task list contains an event on March 6, 2017 where Benedetto, Magallanes, and Daniel Jorjani, who was principal deputy solicitor at the time, to discuss "the global settlement in the sage grouse issue." [[Cason Task List](#), accessed 05/09/19]

**In September 2017, Interior's Acting Solicitor And Principal Deputy Solicitor Wrote An Opinion That Removed Federal Oversight Of Projects That Affected Companies Like Cadiz.** "In September 2017, the Trump administration's Department of the Interior's acting solicitor and principal deputy solicitor wrote a new opinion that removed federal oversight of projects using certain railroad rights of way, allowing developers to evade federal review for projects that could impact national parks and other public lands. In October 2017, the U.S. Bureau of Land Management (BLM) sent an official letter to Cadiz Inc. echoing the solicitor general's opinion." [[Law of the Land](#), accessed 05/08/19]

**In October 2017, The Bureau of Land Management Reversed An Obama-Era Guidance That Had Been A Major Obstacle For The Cadiz Project.** "The federal Bureau of Land Management told Cadiz Inc. in a letter released Monday that the company won't need a permit to build the pipeline alongside a railroad. The agency rescinded a 2015 decision by President Barack Obama's administration that had blocked the project." [[The Desert Sun](#), 10/16/17]

## **As The Bureau Of Land Management Shoved Their Project Through Despite Judicial Rebuke.**

**In June 2019, A Federal Judge Rejected The Bureau Of Land Management's 2017 Rule That Allowed The Cadiz Project To Move Ahead Because BLM Failed To Justify Their Reversal.**

"A federal judge has struck down Trump administration decisions that cleared the way for Cadiz Inc. to build a water pipeline across public land in the California desert. [...] He also found that the BLM had failed to legally justify its reversal: In 2015, the agency said the water pipeline would not further a railroad purpose and therefore couldn't run along the right of way. Two years later, it concluded the opposite." [*Los Angeles Times*, [06/21/19](#)]

**In February 2020, The Bureau Of Land Management Reaffirmed The Cadiz Water Project.**

"Today, Cadiz Inc. (NASDAQ: CDZI) ("Cadiz", the "Company") reported that on February 7, 2020 it received from the U.S. Bureau of Land Management ("BLM") reaffirmation that the Cadiz Water Project's proposed use of the Arizona & California Railroad's ("ARZC") right-of-way for its conveyance pipeline and related railroad improvements furthered a railroad purpose and is within the scope of the right-of-way, consistent with its conclusion in October 2017." [Businesswire, Cadiz Press Release, [02/10/20](#)]

**The Independent Petroleum Association Of America Thanked David Bernhardt For His Work Weakening Sage Grouse Habitat Protections.**

David Bernhardt was Recused From Working On Particular Matters Involving The Independent Petroleum Association Of America Until August 3, 2019 Under EO 13770. [Bernhardt Ethics Agreement, [8/15/17](#)]

On June 21, 2017, Samantha McDonald, The Director Of Government Relations For The Independent Petroleum Association Of America, Emailed Interior's Deputy Director, Office Of External Affairs, Timothy Williams, And Asked, "Did The Members Of The Sage Grouse Review Team Get Named?" [OS-2017-001063 (Sage Grouse Comms from Industry), Page 22]

In July 2017, IPAA Director of Government Relations Samantha McDonald emailed Interior's Deputy Director, Office of External Affairs Timothy Williams, requesting "one more call" with Williams in his "sage grouse review capacity," on behalf of Chesapeake, ConocoPhillips, EOG Resources and Western Energy Alliance. The organizations had "a pretty specific sage grouse issue they'd like to have addressed in the final report," that had to do with a "sage grouse map issue." The report issued by the Interior Department in August 2017 "committed to developing a process to incorporate revised habitat maps." [July 18, 2017 email from Samantha McDonald to Timothy Williams, accessed [6/21/19](#)]

In December 2017, IPAA Submitted Formal Comments Suggesting Amendments to the Sage Grouse Plan. [["Analysis: Oil And Gas Companies Linked To David Bernhardt Own A Fifth Of Oil And Gas Leases In Sage-grouse Habitat,"](#) *Center for Western Priorities*, 03/14/19]

In March 2018, IPAA Signed Onto A "Thank You" Letter To Bernhardt For His Actions "That Rescinded And Revised Mitigation Policies That Far Exceeded Statutory Authority." The Letter References Issues Related To Bernhardt's Role In The Sage-grouse Review. [[IPAA letter to David Bernhardt](#), 03/17/18]

## **Reduced Sage Grouse Habitat Protections Benefitted Leases Of Former Bernhardt Client Samson Resources...**

David Bernhardt Lobbied On Behalf Of Samson Resources From 2012-2013. [David Bernhardt National Resources Presidential Nominee Statement, [05/08/17](#)]

**Samson Resources Has a Long History of Leasing Federal Land.** In October 2008 “the Bureau of Land Management...brought in more than \$19 million in revenues from the sale of 64 federal oil and gas leases in New Mexico, Texas and Oklahoma,” including “\$3.78 million by Samson Resources Co. of Tulsa, Okla., for 1,240 acres in Oklahoma’s Roger Mills County.” In another example, “the Bureau of Land Management (BLM) received a petition for reinstatement of competitive oil and gas lease WYW178348 from...Samson Resources” and others “for land in Converse County, Wyoming.” BLM, in July 2018, proposed “to reinstate the lease.” [*The Associated Press State & Local Wire*, 10/22/08; “[Notice of Proposed Reinstatement of Terminated Oil and Gas Lease WYW178348](#),” *Federal Register*, 07/10/18]

- **In 2017, Samson Resources Acquired Oil and Gas Assets in Wyoming.** Samson Resources, in 2017, “entered into a binding agreement to acquire oil and gas assets located in Converse County in the Powder River Basin of Wyoming, including assets in the “Frontier, Shannon, Niobrara and Mowry formations.” [*MarketLine Financial Deals Tracker*, 11/04/17]

**Sage Grouse Are Most Prevalent In Wyoming, Colorado And Utah.** “Sage grouse are most prevalent in Wyoming, Colorado and Utah, home to prolific ‘tight’ gas reservoirs as well as the Niobrara tight oil play.” [*Oil Daily*, 06/20/14]

## **...And Ur-Energy, A Uranium Company Operating In Core Sage Grouse Area.**

David Bernhardt Represented Ur-Energy USA Inc. from 2009 to 2012. [David Bernhardt National Resources Presidential Nominee Statement, [05/08/17](#)]

**Ur-Energy’s Lost Creek Property Lies Within a Sage Grouse Core Area in Wyoming.** Wyoming “developed a ‘core-area strategy’ to help protect the greater sage-grouse species within certain core areas of the state. The Lost Creek property is within a designated core area and are thus subject to work activity restrictions from March 1 to July 15 of each year. The timing restriction precludes exploration drilling and other non-operational based activities which may disturb the sage-grouse.” [“[2018 Annual Report Form 10-K](#),” Ur-Energy Inc., For the Fiscal Year Ended 12/31/18]

**Final Sage Grouse Plans Included Opening More Public Lands To Leasing And Allowing Waivers For Drilling To Encroach on Greater Sage Grouse Habitats.** “The Trump administration moved forward Thursday with plans to ease restrictions on oil and natural gas drilling, mining and other activities across millions of acres in the American West that were put in place to protect an imperiled bird species. Land management documents released by the U.S. Interior Department show the administration intends to open more public lands to leasing and allow waivers for drilling to encroach into the habitat of greater sage grouse. Critics warned the changes could wipe out grouse colonies as drilling disrupts breeding grounds. Federal officials



under President Barack Obama in 2015 had adopted a sweeping set of land use restrictions intended to stop the birds' decline." [[Associated Press](#), 12/6/18]

**David Bernhardt Began Work To Rollback Endangered Species Protections For Smelt As Soon As He Took Office To Benefit Two Of His Former Clients, Meanwhile Handing One A Controversial Permanent Water Contract.**

**CESAR Was Granted Its Wish To Weaken Endangered Smelt Protections Under David Bernhardt's Leadership...**

Bernhardt Was Recused From Working On Particular Matters Involving The Center For Environmental Science Accuracy And Reliability Until August 1, 2018, Under 5 CFR § 2635.502 [Bernhardt Ethics Agreement, [8/15/17](#)]

- For Five Years, David Bernhardt Was A Federal Lobbyist And Provided "Legal Services" To The Center For Environmental Science Accuracy And Reliability In California. [*New York Times*, [02/12/19](#) and David Bernhardt, [2019 278e Financial Disclosure](#)]

**The Center For Environmental Science Accuracy And Reliability (CESAR) Has Challenged Smelt Protections Under The Endangered Species Act.** "CESAR has challenged the federal government's science on endangered species such as the California delta smelt, and Bernhardt handled the recent rollback of smelt protections during his time as deputy administrator." [*Yahoo*, [02/18/19](#)]

**Interior Weakened Smelt Protections Under David Bernhardt's Leadership.** "The Fish and Wildlife Service announced in a biological opinion Monday that the federal government is changing decades-old protections on the delta smelt, a small fish species found in California's Sacramento-San Joaquin Delta that has for nearly three decades been a source of conflict between farmers and environmentalists." [*The Hill*, [10/22/19](#)]

- David Bernhardt Lobbied For Rolling Back The Fish Protections Prior To Joining The Interior Department. "The Trump administration is moving to weaken protections on an imperiled fish population in California's Central Valley, a shift that Interior Secretary David Bernhardt had previously called for when he lobbied on behalf of farmers." [*The Hill*, [10/22/19](#)]

**... Benefitting Another Former Bernhardt Client, Westlands Water District...**

Bernhardt Was Recused From Working On Particular Matters Involving Westlands Water District Until August 1, 2018, Under 5 CFR § 2635.502 [Bernhardt Ethics Agreement, [8/15/17](#)]

- For Five Years, David Bernhardt Was A Federal Lobbyist And Provided "Legal Services" To The Westlands Water District In California. [*New York Times*, [02/12/19](#) and David Bernhardt, [2019 278e Financial Disclosure](#)]

**In Late 2017, Bernhardt Instructed David Murillo, One Of His Subordinates At The Bureau Of Reclamation To Weaken Protections For Both The Delta Smelt And Winter-Run Chinook Salmon, Changes Which Directly And "Disproportionately" Benefits Westlands.** David Bernhardt “acknowledged that, in late 2017, four months after joining the Interior Department, he 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.” “Because Mr. Bernhardt’s actions would disproportionately benefit one of his former clients, independent ethics specialists said that, under the terms of the Trump administration’s ethics pledge, which Mr. Bernhardt signed, he should not have been given clearance to act.” [*New York Times*, [02/12/19](#)]

- **Westlands Water District Would Be The Main Beneficiary Of The Endangered Species Act Rollbacks.** “But because of a quirk in California law, Westlands would likely be the main beneficiary, according to Jeffrey Mount, a water management expert with the Public Policy Institute of California. That’s because river water in California is distributed according to a longstanding first-come-first-served system, and Westlands is low on the list.” [*New York Times*, [02/12/19](#)]

**The Westlands Water District Has Fought To Weaken The Endangered Species Act To Reduce Protections For Threatened Fish.** “The farmers’ chief goal in the district has been to weaken the Endangered Species Act protections of the smelt, a silvery, cucumber-scented fish found only in the San Francisco Bay Delta, and its fellow river resident, the winter-run Chinook salmon.” [*New York Times*, [02/12/19](#)]

### **...And Their Shasta Dam Project That Would “Devastate” California Wildlife.**

**Under David Bernhardt’s Leadership, The US Fish And Wildlife Service Was Told To Prepare A New Environmental Review For A Plan To Increase The Height Of The Shasta Dam.** “Under Mr. Bernhardt’s leadership, the Interior Department has disregarded its own scientific and legal analysis showing that raising the Shasta not only would be environmentally damaging and cost-prohibitive, but it would also be illegal under California law. California’s attorney general is now suing to stop it. This year the Interior Department’s Fish and Wildlife Service was told to prepare a new environmental review of the dam project, but this one will be much more limited in scope, according to a person familiar with the plans, who requested anonymity out of fear of retribution. The new plan would not analyze the effects on salmon habitat downstream or the effects on several rare species.” [*New York Times*, [09/28/19](#)]

- **Bernhardt Began Working On Policies That Would Aid Westlands Within Weeks Of Joining The Trump Administration.** “Interior Secretary David Bernhardt began working on policies that would aid one of his former lobbying clients within weeks of joining the Trump administration, according to a POLITICO analysis of agency documents — a revelation that adds to the ethics questions dogging his leadership of the agency. Bernhardt’s efforts, beginning in at least October 2017, included shaping the department’s response to a key portion of a water infrastructure law he had helped pass as a lobbyist for California farmers, recently released calendars show. The department offered scant details at the time about meetings that Bernhardt, then the deputy secretary, held with Interior officials overseeing water deliveries to the farmers, leading



many observers to believe he was steering clear of the issues he had previously lobbied on. But newly disclosed schedule "cards" prepared by Interior officials for Bernhardt show more than three dozen meetings with key players on California water issues, including multiple lengthy meetings on specific endangered species protections at the heart of his previous work. Those appointments were only vaguely identified on his official calendars." [*Politico*, [04/21/19](#)]

- **The Decision Reversed Previous DOI Science, Which Found The Dam Would Devastate California's Wildlife.** "For years, the Interior Department resisted proposals to raise the height of its towering Shasta Dam in Northern California. The department's own scientists and researchers concluded that doing so would endanger rare plants and animals in the area, as well as the bald eagle, and devastate the West Coast's salmon industry downstream. But the project is going forward now, in a big win for a powerful consortium of California farmers that stands to profit substantially by gaining access to more irrigation water from a higher dam and has been trying to get the project approved for more than a decade. For much of the past decade, the chief lobbyist for the group was David Bernhardt. Today, Mr. Bernhardt is the Interior Secretary." [*New York Times*, [09/28/19](#)]
- **DOI Studies Found That Raising The Dam Would Harm Wildlife And Be "Too Costly" At \$1.5 Billion.** "Major concerns about the Shasta Dam have come from the Interior Department's own scientists, lawyers and economists. In November 2015, staff biologists at the Interior Department's Fish and Wildlife Service concluded in a 215-page report that raising the dam "would result in the loss, degradation, and fragmentation of habitat" in and around Shasta Lake and the Sacramento River, and throughout the San Francisco Bay Delta. The report said the project would harm the habitat of many species including not only the bald eagle but northern spotted owl and the Shasta snow-wreath, a delicate white flower. A higher dam also would cut off one of the main routes used by salmon to spawn by reducing the flow of water downstream. That could shrink the Pacific Coast salmon population, the report said, which scientists and fishermen say could devastate the west coast salmon fishing industry. [...] For these reasons, the report concluded that Fish and Wildlife was 'unable to support' raising the dam. A separate Interior Department report, in July 2015, found that raising the dam would also be too costly, at roughly \$1.5 billion, given budget constraints." [*New York Times*, [09/28/19](#)]

**Increasing The Height Of The Shasta Dam Would Benefit Westlands "More Than Anyone Else."** "The Shasta is already one of the tallest dams in the nation, and preliminary work has begun to raise its height by 18.5 feet. That would allow it to hold about 14 percent more water, and the 1,000 or so Central Valley farmers that Westlands represents would receive more than anyone else." [*New York Times*, [09/28/19](#)]

**The Westlands Water District Works For River Water Access For Farmers In California.** "For decades Westlands Water District, a state-chartered organization covering an area the size of Rhode Island, has fought for river water on behalf of the 700 or so almond, cotton and tomato farmers of California's arid San Joaquin Valley." [*New York Times*, [02/12/19](#)]

## **On Top Of The Rollbacks, Interior Has Given Westlands Water District A Permanent Water Contract Despite Rebuke From The Hoopa Valley Tribe.**

### **In July 2020, The Bureau Of Reclamation Transferred Ownership Of Federal Water Infrastructure To The Westlands Water District, Giving Them A Permanent Water Contract.**

“The Trump administration is working to transfer ownership of federal water infrastructure to California's Westlands Water District, the country's largest irrigation provider and a former lobbying client of Interior Secretary David Bernhardt. Westlands, an agricultural powerhouse in the San Joaquin Valley, has requested title transfer of several facilities under new authority in a 2019 public lands law, according to documents obtained in a Freedom of Information Act request and shared with E&E News. [...] The Bureau of Reclamation confirmed it is moving forward with the transfer.” [E&E News, [07/23/20](#)]

### **The Hoopa Valley Tribe Has Sued To Block A Permanent Water Contract With Westlands Water District Over The Threat To Salmon And Wildlife.**

“A Northern California tribe yesterday sued to block the Interior Department from executing a permanent water contract with the Westlands Water District, a former client of Secretary David Bernhardt. The Hoopa Valley Tribe, whose reservation sits on the Trinity River, said the delivery contract would irreparably harm the river's salmon runs, upon which it has relied for millennia.” [E&E News, [08/14/20](#)]

## **The Department Of Interior Declared Uranium And Potash Critical Minerals, Boosting Two Of Bernhardt’s Former Clients**

### **On Top Of A Mine Expansion And Uranium Import Limits, Ur-Energy Got Uranium Declared A Critical Mineral By The Interior Department.**

David Bernhardt Represented Ur-Energy USA Inc. from 2009 to 2012. [David Bernhardt National Resources Presidential Nominee Statement, [05/08/17](#)]

“Ur-Energy USA Inc., Through Its Subsidiaries, Engages in Uranium Exploration, Development, and Mining.” [“[Ur-Energy USA Inc.](#),” *Bloomberg*, accessed 03/01/19]

In 2018, the Department of Interior Declared Uranium A “Critical Mineral.” In 2018, “the Department of the Interior...published a list of 35 mineral commodities,” including uranium, “considered critical to the economic and national security of the United States,” which makes it “eligible for looser permitting standards, among other benefits.” [Press Release, “[Interior Releases 2018’s Final List of 35 Minerals Deemed Critical to U.S. National Security and the Economy](#),” Department of the Interior, 05/18/18, and Press Release, “[Grijalva Presses Zinke to Explain Why DOI Now Considers Uranium a ‘Critical Mineral’ That Demands Loose Permitting Standards](#),” House Natural Resources Committee, 05/21/18]

- **If Uranium Imports Are Halted, Domestic Uranium Firms like Ur-Energy Stand to Benefit.** “Shortly thereafter...Ur-Energy and Energy Fuels petitioned” the Department of Commerce (DOC) “to open an investigation under Section 232 of the Trade Expansion Act of 1962. If DOC finds that uranium imports are a threat to national security, these uranium companies stand to benefit immensely from the likely subsequent halt to uranium imports.”

[Hank Stephenson, "Chair Grijalva, Rep. Lowenthal Press Uranium Companies For Information on Lobbying Efforts With Trump Administration," *Yellow Sheet Report*, 02/05/19]

**In October 2020, The Trump Administration Extended Limits On Russian Uranium Imports.** "The U.S. Commerce Department and the Russian government have agreed to extend for 20 years limits on imports of Russian uranium, the Trump administration announced Tuesday in a move it said would benefit American miners and others in the domestic nuclear industry." [Bloomberg, [10/06/20](#)]

**In March 2019, The Bureau Of Land Management Approved Ur-Energy's Mine Expansion In Wyoming, More Than Doubling The Lost Creek Mine.** "The U.S. government approved plans Tuesday to expand a Wyoming uranium mine while it considers a proposed new mine by the same developer not far away. The U.S. Bureau of Land Management will allow Littleton, Colorado-based Ur-Energy to more than double the surface area of its Lost Creek Mine while tapping deeper deposits underlying the sagebrush country of south-central Wyoming." [AP, [03/19/19](#)]

### **Former Bernhardt Client American West Potash Also Got Their Product, Potash, Declared As A Critical Mineral While Bernhardt Was At Interior.**

**David Bernhardt Represented American West Potash, Which Is A Subsidiary Of Prospect Global Resources, From 2012 To 2014.** [David Bernhardt National Resources Presidential Nominee Statement, [05/08/17](#)]

**BHFS Provided Substantial Seed Money For Potash In Exchange For Prospect Global Stock.** Bernhardt wrote that the firm was "uniquely" qualified to meet Prospect Global resource "needs in Arizona and in Washington, D.C." As part of the agreement the firm would be "entitled to up to 300,000 shares of Prospect common stock." Brownstein Hyatt Farber Schreck LLP represented Prospect Global Resources "in its initial public offering and follow-on public offerings." [[Securities and Exchange Commission](#), 07/05/11] and [[Bloomberg](#), accessed 3/13/19]

- **David Bernhardt Was Closely Involved In BHFS's Representation Of Prospect Global.** In 2011 David Bernhardt signed a "proposal and fee agreement for representation" for Brownstein Hyatt Farber Schreck LLP to act as government relations counsel for Prospect Global Resources. Prospect Global Resources is a Denver potash company that "explores and mines Potash in the Holbrook Basin in eastern Arizona." [[Securities and Exchange Commission](#), 07/05/11]

**In 2018, "The Department Of The Interior...published A List Of 35 Mineral Commodities," Including Potash, "Considered Critical To The Economic And National Security Of The United States," Which Makes It "Eligible For Looser Permitting Standards, Among Other Benefits."** [[Department of the Interior](#), 05/18/18] and [[House Natural Resources Committee Press Release](#), 05/21/18]

**BLM Proposed A Rule In 2019 To Make It Easier For Potash Producers On Federal Land To Apply For Royalty Rate Reduction And Reduce How Much Information Companies Need To Provide.** “The BLM is proposing a rule that could affect royalty rates for producers of solid leasable minerals other than coal and oil shale on federal lands, such as soda ash, sodium, potash, phosphate, potassium, sulphur and gilsonite. It would streamline the process for applying for a reduction in royalty rates, rental fees or minimum production requirements by cutting down on how much information applicants must provide.” [*The Grand Sentinel*, [10/17/19](#)]

## **David Bernhardt’s Recusals Got Projects Approved, Leases Extended, And Favors Granted Throughout Bernhardt’s Time In Interior**

### **Samson Resources Got Lease Suspensions, Reinstatements, And NEPA Project Pushed Through During Bernhardt’s Tenure.**

**David Bernhardt Lobbied On Behalf Of Samson Resources From 2012-2013.** [David Bernhardt National Resources Presidential Nominee Statement, [05/08/17](#)]

**Samson Resources Has Received 54 Separate BLM Lease Suspensions Covering 23,673. Acres Of Public Land In Wyoming.** [BLM LR2000 Lease Suspension And Royalty Relief Database, [06/01/20](#)]

**Samson Resources Wants To Drill An Additional Well On An Existing Well Pad In Wyoming.** Samson Resources has a NEPA application To “drill an additional wells [sic] on an existing well pad” in Wyoming. It is in the “Analysis & Document Preparation” stage. [NEPA Project Summary, [07/01/19](#)]

**Samson Resources Wants To Add Three New Wells To An Existing Pad In Wyoming.** Samson Resources has a NEPA application to “add three new oil and gas wells to an existing well pad.” It is in the “Analysis & Document Preparation” stage. [NEPA Project Summary, [07/01/19](#)]

**Samson Resources Wants To Drill An Additional Well On An Existing Well Pad In Wyoming.** Samson Resources has a NEPA application to “drill an additional oil and gas well off an existing well pad” in Wyoming. It is in the “Analysis & Document Preparation” stage. [NEPA Project Summary, [05/24/19](#)]

**Samson Resources Has An Application To Reinstate An Oil And Gas Lease In The “Preparation And Planning” Stage.** Samson Resources has a “Proposed Lease Reinstatement” application pending for lease WYW175931. Its status is “preparation and planning.” [NEPA project summary, [12/07/17](#)]

**A Notice That Samson Resources Had Petitioned To Reinstate WYW175931 Was Published In The Federal Register In May 2018.** “As provided for under the Mineral Leasing Act of 1920, as amended, the Bureau of Land Management (BLM) received a petition for reinstatement of competitive oil and gas lease WYW175931 from Samson Resources Company for land in Converse County, Wyoming. The lessee filed the petition on time, along with all rentals due

since the lease terminated under the law. No leases affecting this land were issued before the petition was filed. The BLM proposes to reinstate the lease.” [Federal Register, [05/04/18](#)]

- **This Application Is In The “Preparation And Planning” Stage.** Samson Resources has a “Proposed Lease Reinstatement” application pending for lease WYW175931. Its status is “preparation and planning.” [NEPA project summary, [12/07/17](#)]

**A Notice That Samson Resources Had Petitioned To Reinstatement WYW087880 Was Published In The Federal Register In July 2018.** “As provided for under the Mineral Leasing Act of 1920, as amended, the Bureau of Land Management (BLM) received a petition for reinstatement of competitive oil and gas lease WYW087880 from Samson Resources Company for land in Converse County, Wyoming. The lessee filed the petition on time, along with all rentals due since the lease terminated under the law. No leases affecting this land were issued before the petition was filed. The BLM proposes to reinstate the lease.” [Federal Register, [07/10/18](#)]

- **BLM Listed This Action As “Completed” On December 7, 2017.** [Worksheet Determination Of NEPA Adequacy, [12/07/17](#)]

**A Notice That Samson Resources Had Petitioned To Reinstatement WYW178348 Was Published In The Federal Register In July 2018.** “As provided for under the Mineral Leasing Act of 1920, as amended, the Bureau of Land Management (BLM) received a petition for reinstatement of competitive oil and gas lease WYW178348 from Wold Energy Partners LLC, Samson Resources Company, and GasCo LP for land in Converse County, Wyoming. The lessees filed the petition on time, along with all rentals due since the lease terminated under the law. No leases affecting this land were issued before the petition was filed. The BLM proposes to reinstate the lease.” [Federal Register, [07/10/18](#)]

- **BLM Listed This Action As “Completed” On December 7, 2017.** [Worksheet Determination Of NEPA Adequacy, [12/07/17](#)]

## **US Oil & Gas Association Affiliates Had Drilling Permits Approved During The 2018/2019 Government Shutdown.**

David Bernhardt is Recused from Working on Particular Matters Involving the U.S. Oil and Gas Association until August 3, 2019 Under EO 13770 [[Bernhardt Ethics Agreement](#), 8/15/17]

- **Bernhardt Was Also Recused from Working on Particular Matters Involving the U.S. Oil and Gas Association until July 29, 2018, Under 5 CFR § 2635.502** [[Bernhardt Ethics Agreement](#), 8/15/17]

**During the 2018/2019 Government Shutdown, Drilling Permits Were Approved For Affiliates of the U.S. Oil and Gas Association.** Similarly, of the 38 onshore drilling permits approved by the Bureau of Land Management during the shutdown, 20 were for companies that sit on the board of directors of the Independent Petroleum Association of America (IPAA) or affiliates of the U.S. Oil and Gas Association (USOGA), both former Bernhardt clients.” [Jesse Prentice-Dunn, “[Everything you need to know about Trump’s new pick for Interior Secretary](#),” *Westwise*, 02/04/19]



## **The Same Month David Bernhardt Was Confirmed As Deputy Secretary, One Of His Recusals Had An Exploration Plan Rushed Through Approval.**

David Bernhardt was Recused From Working On Particular Matters Involving Eni Petroleum Until August 3, 2019 Under EO 13770. [Bernhardt Ethics Agreement, [8/15/17](#)]

- Bernhardt Was Also Recused from Working on Particular Matters Involving BHFS-E PC Until August 1, 2018, Under 5 CFR § 2635.502. [Bernhardt Ethics Agreement, [8/15/17](#)]

**In July 2017, Interior Rushed Approval of an Eni Exploration Plan in the Beaufort Sea.** The Interior Department, in July 2017, conditionally “approved a Beaufort Sea exploration plan it received from Eni U.S. Operating Co. Inc.” Eni “acquired leases more than a decade ago that would’ve expired by the end of the year without further action. According to the Center for Biological Diversity, the Trump administration rushed the leases through with little time for public comment.” [UPI Energy, [07/13/17](#)]

**Eni Petroleum Received The First US Arctic Oil Exploration Permit During The Trump Administration.** “A subsidiary of an Italian energy company has received a federal permit to drill the first oil exploration wells in U.S. Arctic waters in two years. The federal Bureau of Safety and Environmental Enforcement announced Tuesday it has approved an application from Eni U.S. Operating Co. Inc. to drill exploratory wells in the Beaufort Sea.” [The Spokesman-Review, [11/28/17](#)]

**Former DOI Official Heather Swift Referred To Eni Petroleum’s Permit As A “Christmas Present.”** “We have a couple BSEE guys working through Christmas to get Eni permitted to spud their well ASAP. [...] Eni could be ready to go as early as Tuesday with the guys working through Christmas. Wouldn’t that be a nice Christmas president!?!?” [Heather Swift Email To Nathaniel Herz, [12/24/17](#)]

## **Both David Bernhardt And Ryan Zinke Had Conflicts Of Interest With Halliburton – A Company That Was Approved By Interior To Build New Open Pits And Mine On Nearly 2,000 Additional Acres Of Public Land**

David Bernhardt was Recused From Working On Particular Matters Involving Halliburton Energy Services Until August 3, 2019 Under EO 13770. [Bernhardt Ethics Agreement, [8/15/17](#)]

- Bernhardt Was Also Recused from Working on Particular Matters Involving Halliburton Energy Services PC Until July 29, 2018, Under 5 CFR § 2635.502. [Bernhardt Ethics Agreement, [8/15/17](#)]

**Halliburton Energy Was A Client Of David Bernhardt From 2011-2013.** [David Bernhardt National Resources Presidential Nominee Statement, [05/08/17](#)]

**Interior’s Inspector General Opened An Investigation Into Zinke’s Involvement In A Real Estate Deal With Halliburton’s Chairman, David Lesar.** A family foundation created by Ryan



Zinke and currently headed by his wife, Lola, is providing assistance in the planning of a commercial development funded by Halliburton's chairman, David Lesar, in Zinke's hometown of Whitefish, Montana. As Interior Secretary, Zinke was responsible for overseeing oil and gas exploration on public lands, thereby making decisions that could directly benefit Halliburton. Interior's Inspector General opened an investigation into the real estate deal, investigating whether Lesar's group promised Zinke he could open a microbrewery in the development. [[Politico](#), 06/19/18; [Politico](#), 06/21/18; [Politico](#), 08/02/18].

- **Secretary Zinke Allegedly Attempted To Replace Acting Inspector General Mary Kendall With A Political Appointee From Hud Before Backing Down.** [New Yorker, [10/22/18](#)].
- **The New York Times Reported That An IG Investigation Into Former Secretary Zinke Was Referred To The Department Of Justice.** While not confirmed, observers speculate that the referred investigation was the Halliburton investigation [[New York Times](#), 10/30/18].

**An EIS For Halliburton's Rossi Mine Project Was Published In June 2019.** "In accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) has prepared a Final Environmental Impact Statement (EIS) for the Rossi Mine Expansion Project and by this notice is announcing its availability. [...] The EIS analyzed the proposed modification submitted by Halliburton Energy Services to their plan of operations for the Rossi Mine Project. The proposal includes the continuation of the existing mine infrastructure, but would expand the existing facilities and operation to support the continuation of the open pit mining operation and surface exploration activities for barite. The proposed action would increase the disturbance to approximately a total acreage of 2,063 acres of public and private land, including 896 acres of previously approved or existing disturbance and 1,167 acres of new land disturbance. Of the 2,063 acres of surface disturbance, approximately 209 acres consist of private land and the remaining 1,854 acres are public land administered by the BLM. The proposed expansion would provide up to an estimated 433 jobs, some of which could be filled by returning and new employees." [Federal Register, [06/14/19](#)]

- **BLM Issued A Favorable Record Of Decision For The Project In September 2019.** "As a result of the analysis presented in the EIS and after carefully considering the comments received from the public on the Draft and Final EIS, it is the Decision of the Authorized Officer to approve the Rossi Mine Expansion Project modification to the Rossi Mine Plan of Operations (NVN-070547) as set forth in the Reconfiguration Alternative with the associated financial guarantee requirements." [BLM Record Of Decision, [09/05/19](#)]

**As Part Of The Approval, Halliburton Can Expand Open Pits, Develop New Pits, And Build Infrastructure To Support The Mine And Disturb 1,854 Acres Of Public Land.** "Halliburton Energy Services has the U.S. Bureau of Land Management's approval to expand the Rossi barite mine in Elko County. [...] The decision record authorized expansion of the existing project boundary, expansion of the existing open pits, the development of new pits, expansion of waste rock disposal facilities, construction of new waste rock disposal sites, expansion or modification of ancillary facilities and development of new roads. The BLM also approved re-alignment of

segments of the Boulder Valley Road and Antelope-Boulder Connector Road, installation of new power lines, continuation of surface exploration, reclamation work and construction of livestock fencing, if necessary. According to the BLM, Halliburton proposed to increase surface disturbance to an estimated total of 2,063 acres of public and private land, including 896 acres of already authorized and existing disturbance and 1,167 acres of new disturbance. Of the 2,063 acres, 209 acres are private, and 1,854 acres are public land." [Elko Daily Free Press, [09/09/19](#)]

### **Hudbay's Rosemont Copper Mine, A Project David Bernhardt Worked On Pre-Interior, Had Its Project Approved Despite Causing "Irreparable Damage"...**

**David Bernhardt was Recused From Working On Particular Matters Involving Rosemont Copper Company And Hudbay Until August 3, 2019 Under EO 13770.** [Bernhardt Ethics Agreement, [8/15/17](#)]

- **Bernhardt Was Also Recused from Working on Particular Matters Involving Rosemont Copper Company And Hudbay Until August 1, 2018, Under 5 CFR § 2635.502.** [Bernhardt Ethics Agreement, [8/15/17](#)]

**Rosemont Copper Company Was A Client Of David Bernhardt From 2011-2015.** [David Bernhardt National Resources Presidential Nominee Statement, [05/08/17](#)]

**Bernhardt Worked To Help Rosemont Get The Necessary Permits to Open An Open Pit Copper Mine in Arizona.** David Bernhardt's law firm biography says he and his firm are "assisting Rosemont in development of one of the largest copper mines in the world" and "advising the company on all aspects of obtaining NEPA and Endangered Species permitting issues," as well as "working closely with Rosemont to promptly obtain all necessary air, water and land use approvals." [2017 Bio of David Longly Bernhardt, Brownstein Hyatt Farber Schreck, accessed [03/06/17](#)]

**The Mine Had Been Delayed Over Concerns About Impacts on Wildlife and Water.** This is a reference to a controversial proposed open pit copper mine in Arizona that was delayed by "disputes over endangered and threatened species, concerns about the mine potentially drying up neighboring wells and streams, and worries about air- and water-quality impacts." [Arizona Daily Star, 06/12/16]

**Congressman Raul Grijalva Says The Rosemont Mine Will Cause "Irreparable Damage."** Grijalva said that Hudbay "ignores" the Rosemont Copper Mine's "negative environmental impacts that will cause irreparable damage to wildlife habitats, water quality, and land. [...] The health, well-being, and cultural needs of Southern Arizona's residents should always come before the profits of a mining company.'" [Cronkite News, [08/14/18](#)]

**The Rosemont Mine Is Next To BLM's Las Ciengas National Conservation Area.** "The \$1.2 billion mine would be built on 995 acres owned by Toronto-based multinational corporation Hudbay Minerals Inc. and about 3,670 acres of Forest Service land in the Santa Rita Mountains. The BLM is a key player because it owns and manages the 42,000-acre Las Cienegas National Conservation Area east of the mine site. At issue is whether the mine

would drain the conservation area's Cienega Creek, with its bright green cottonwood and willow trees." [[Arizona Daily Star](#), 05/09/15]

**Rosemont Copper Sought 15 Acres From BLM To Dump Mining Waste.** "Rosemont Copper owns 995 acres that would be used for the mine and processing facility but is seeking 3,670 acres of the Coronado National Forest, 15 acres from the Bureau of Land Management and 75 acres from the state of Arizona, mostly to be used for the dumping of waste rock and the 'dry stacking' of mine tailings, the often-toxic crud that's left behind after the ore has been recovered." [[High Country News](#), 09/18/12]

**Two DOI Agencies-- BLM And FWS Had A Disagreement On Rosemont Copper.** The Bureau of Land Management and the U.S. Fish and Wildlife Service "have taken significant stands on opposing sides in the protracted mine dispute. A third Interior agency, the U.S. Geological Survey, has provided scientific information related to the mine issue to other agencies." [[Arizona Daily Star](#), 05/13/17]

**Hudbay Minerals, The Canadian Company Which Owns Rosemont, Received A Favorable Record Of Decision From FWS In June 2017.** Hudbay's Vice President Patrick Merrin said the "decision brings us another step closer to being able to build a modern mine that will fulfil the requirements of its permits, create jobs and strengthen the local economy." [[Hudbay Minerals Press Release](#), 06/07/17]

### **...Even Starting To Drill On The Other Side Of The Santa Ritas When A Judge Ruled Against Their Original Mine.**

A US District Judge Ruled Against The Mine Moving Forward Stating The Approval Of The Mine Was "Arbitrary And Capricious." "U.S. District Judge James Soto ruled that the Forest Service's approval of the mine was "arbitrary and capricious." He faulted the service for approving Hudbay's plans to dispose of 1.9 million tons of waste rock and tailings on nearly 2,500 acres of public land on which the company has unpatented mining claims, without determining if the claims were legally valid." [[Tuscon.com](#), [08/09/20](#)]

- **Hudbay Has Appealed The District Court's Decision.** "Hudbay Minerals Inc. ("Hudbay" or the "company") (TSX, NYSE: HBM) today announced the filing of the company's initial brief ("Hudbay Brief") with the U.S. Court of Appeals for the Ninth Circuit in relation to the U.S. District Court for the District of Arizona's ("District Court") decision in July 2019, which revoked the U.S. Forest Service's ("Forest Service") issuance of the Final Record of Decision ("FROD") for the Rosemont project in Arizona." [Hudbay Press Release, [06/22/20](#)]

**Hudbay Is Moving Ahead With Drilling On The Other Side Of The Santa Ritas While They Continue Their Court Fight.** "While fighting in court to keep its planned Rosemont Mine alive, Hudbay Minerals Inc. plans to start exploratory drilling Thursday on the other side of the Santa Ritas to see if future mining there makes economic sense." [[Tuscon.com](#), [09/27/20](#)]

### **53 NOIA Companies Got Offshore Drilling Permits Approved During The Government Shutdown.**

David Bernhardt was Recused From Working On Particular Matters Involving NOIA Until August 3, 2019 Under EO 13770. [Bernhardt Ethics Agreement, [8/15/17](#)]

- Bernhardt Was Also Recused from Working on Particular Matters Involving NOIA PC Until July 29, 2018, Under 5 CFR § 2635.502. [Bernhardt Ethics Agreement, [8/15/17](#)]

During the December 2018-January 2019 Government Shutdown, the Bureau of Safety and Environmental Enforcement (BSEE) Approved Offshore Drilling Permits For 53 Companies That Are Members Of NOIA. [[Medium](#), 01/30/19; [EcoRI News](#), 01/14/19]

**While David Bernhardt Has Been At Interior, The Department Has Made Rollbacks Supported By Bernhardt's Recusals – Sometimes Even Taking Direct Requests**

**The American Wind Energy Association, NOIA, And IPAA Pushed For Advancing Their Projects Through NEPA Rollbacks. Interior Obeyed Their Wishes.**

The American Wind Energy Association Was A Client Of David Bernhardt's From 2013-2014. [David Bernhardt National Resources Presidential Nominee Statement, [05/08/17](#)]

David Bernhardt was Recused From Working On Particular Matters Involving NOIA Until August 3, 2019 Under EO 13770. [Bernhardt Ethics Agreement, [8/15/17](#)]

- Bernhardt Was Also Recused from Working on Particular Matters Involving NOIA Until July 29, 2018, Under 5 CFR § 2635.502. [Bernhardt Ethics Agreement, [8/15/17](#)]

David Bernhardt was Recused From Working On Particular Matters Involving The Independent Petroleum Association Of America Until August 3, 2019 Under EO 13770. [Bernhardt Ethics Agreement, [8/15/17](#)]

The American Wind Energy Association And NOIA Pushed Interior To Advance Offshore Wind Projects In December 2019. "Earlier this year, AWEA, along with the National Ocean Industries Association (NOIA), Offshore Marine Service Association (OMSA) and Consumers' Energy Alliance (CEA) sent letters to Interior Secretary David Bernhardt and Commerce Secretary Wilbur Ross urging them to recognize the economic benefits of offshore wind and the potential role of offshore wind in increasing American energy dominance." [*Daily Energy Insider*, [12/17/19](#)]

In 2017, the IPAA Asked Interior to Reinstate Categorical Exclusions To the National Environmental Policy Act. The IPAA "praised Bernhardt in a 2017 letter for helping to reform the National Environmental Policy Act and asked that Interior reinstate 'categorical exclusions,' which allow the agency to streamline the analysis required to approve projects that could affect the environment, which can save the energy industry time and money." [*SNL Generation Markets Week*, 12/19/17]

- **Bernhardt Authored A Memo Stating Exclusions Should Be “Fully and Properly” Considered Before NEPA Reviews.** “[Bernhardt] later authored a memo stating that categorical exclusions should be ‘fully and properly’ considered before such reviews.” [CNN, 03/05/19]

**The 2020 NEPA Overhaul Allows For Faster Permitting For Offshore Wind Projects.** “A more rapid permitting route could affect more than a dozen wind facilities proposed in the Atlantic, representing a whopping 20 gigawatts of offshore power to be injected into the onshore grid in the coming years. Each one has to navigate the NEPA process before it can start construction.” [E&E News, [08/19/20](#)]

- **NOIA Supported The Trump Administration’s NEPA Rollbacks.** “An unprecedented economic crisis needs a historic comeback. The Trump Administration has carefully modernized NEPA so that critical projects can escape endless bureaucratic red tape and lawsuits and get to work with their shovel-ready jobs, while still ensuring a thorough environmental analysis.” [NOIA, [07/15/20](#)]

**The Trump Administration Has Pushed Through Pollution, Methane Emission, Public Land Restoration, And Bird Protection Rollbacks To The Benefit Of Bernhardt’s Recusal, The Independent Petroleum Association Of America**

**Trump Overhauled Environmental Regulations Benefitting IPAA, The US Oil And Gas Association, And The Western Energy Alliance After Pushes For Relief.** “Just five months into the Trump era, the energy developers who make up the Independent Petroleum Association of America had already watched the new president order a sweeping overhaul of environmental regulations that were cutting into their bottom lines – rules concerning smog, fracking and endangered species protection. [...] The petroleum association was just one industry group pushing for regulatory relief – the American Petroleum Institute, the U.S. Oil and Gas Association and the Western Energy Alliance also were active.” [Politico, [03/23/19](#)]

- **David Bernhardt was Recused From Working On Particular Matters Involving The US Oil & Gas Association Until August 3, 2019 Under EO 13770.** [Bernhardt Ethics Agreement, [8/15/17](#)]
- **Bernhardt Was Also Recused from Working on Particular Matters Involving The US Oil & Gas Association Until July 29, 2018, Under 5 CFR § 2635.502.** [Bernhardt Ethics Agreement, [8/15/17](#)]

**IPAA’s Requested And Granted Rollbacks Include Rescinding Water Pollution Rules For Fracking, Withdraw Methane Gas Limits, Redact Public Land Environmental Restoration Requirements, And End Migratory Bird Protections.** “But since IPAA created its wish list, the Interior Department has acceded to nearly all its requests: Rescinded fracking rules meant to control water pollution. [...] Withdrawn rules that limit climate-change causing methane gas releases. [...] Abandoned environmental restoration of public land damaged by oil development. [...] Ended long-standing protections for migratory birds.” [Politico, [03/23/19](#)]



**IPAA And Western Energy Alliance Actively Fought Against Obama-Era Methane Regulations, Supporting The Trump Administration's 2018 Rollbacks.** "Western Energy Alliance and the Independent Petroleum Association of America (IPAA) today achieved an important victory in the U.S. District Court for Wyoming, along with the states of Montana, North Dakota, Texas and Wyoming. Judge Scott Skavdahl's decision vacated the 2016 waste prevention rule, an overreaching methane regulation finalized in the waning days of the Obama Administration that unlawfully granted air quality authority to the Bureau of Land Management (BLM). When the rule was originally finalized in November 2016 at the end of President Barack Obama's administration, the Alliance and IPAA along with the states challenged it in the Wyoming court. The Trump Administration finalized a new rule in 2018 that corrected the unlawful aspects of the original." [Western Energy Alliance, [10/08/20](#)]

### **David Bernhardt's Recusal Noble Energy's Safety Document Extension Was Included In Interior Final Rule On The Subject**

David Bernhardt is Recused from Working on Particular Matters Involving Noble Energy Company, LLC until August 3, 2019 Under EO 13770. [[Bernhardt Ethics Agreement](#), 8/15/17]

- Bernhardt Was Also Recused from Working on Particular Matters Involving Noble Energy Company, LLC until December 1, 2017, Under 5 CFR § 2635.502. [[Bernhardt Ethics Agreement](#), 8/15/17]

**Noble Energy Asked Interior to Extend the Deadline for Submitting Safety Documentation, And The Extension Was Included In the Final Rule.** "Bernhardt's former client Noble Energy...commented on an Interior proposal and said the time-period to submit certain documents related to safety systems during an application process should be extended from 60 days to 90 days. A final rule issued in 2018 included that extension." [CNN, 03/05/19]

### **David Bernhardt Has Granted Pro-Oil Alaskan Officials Wishes To Hand Alaska's Natural Resources Over To Oil, Gas, And Logging Industries**

### **The State Of Alaska Is One Of David Bernhardt's Former Clients.**

The State Of Alaska Was One Of David Bernhardt's Clients From 2014 To 2015. [David Bernhardt National Resources Presidential Nominee Statement, [05/08/17](#)]

### **Pro-Oil Alaskan Officials Have Pushed To Open Areas Of Alaska To Logging And Drilling...**

**The Trump Administration Opened Protected Areas Of Alaska To Drilling In August 2020.** "The Trump administration on Monday finalized its plan to open up part of the Arctic National Wildlife Refuge in Alaska to oil and gas development, a move that overturns six decades of protections for the largest remaining stretch of wilderness in the United States. [...] President Trump has long cast an increase in Arctic drilling as integral to his push to expand domestic fossil fuel production on federal lands and secure America's "energy dominance."" [New York Times, [08/17/20](#)]



## **...Which The Trump Administration Has Granted, Handing Alaska's Natural Resources To Extractive Industries...**

**Pro-Oil Alaskan Government Officials Have Advocated Opening The North Slope To Oil And Gas Companies For Years.** "Members of Alaska's pro-oil congressional delegation, however, praised the Trump administration for authorizing one of the most promising oil discoveries on the declining North Slope in years." [*E&E News*, [10/28/20](#)]

**Trump Opened More Than Half Of Tongass National Forest In Alaska To Logging And Development In October 2020.** "President Trump will open up more than half of Alaska's Tongass National Forest to logging and other forms of development, according to a notice posted Wednesday, stripping protections that had safeguarded one of the world's largest intact temperate rainforests for nearly two decades." [*Washington Post*, [10/28/20](#)]

**All Five Alaska Native Tribal Nations And 96% Of Comments Have Opposed Reducing Tongass Protections.** "Ninety-six percent of the comments during the U.S. Forest Service's environmental review opposed lifting the existing safeguards, while 1 percent supported it. In a sign of how unpopular the administration's push to lift roadless restrictions has become, all five Alaska Native tribal nations withdrew as cooperating agencies in the process two weeks ago, after the Forest Service published its blueprint for opening up the entire Tongass to development." [*Washington Post*, [10/28/20](#)]

**Alaska's Governor Has Lobbied To Exempt Tongass From Roadless Rule Protections.** "Alaska Republicans – including Gov. Mike Dunleavy and Sen. Dan Sullivan, who is locked in a tight reelection race – lobbied the president to exempt the state from the roadless rule on the grounds that it could help the economy in Alaska's southeast." [*Washington Post*, [10/28/20](#)]

## **...Including Approval Of US Oil & Gas Association Member ConocoPhillips' Oil And Gas Project In The National Petroleum Reserve - Alaska.**

**ConocoPhillips Is A Member Of The U.S. Oil And Gas Association.** [Conoco Phillips 2017 Trade Association Memberships, [accessed 02/20/19](#)]

**David Bernhardt is Recused from Working on Particular Matters Involving the U.S. Oil and Gas Association until August 3, 2019 Under EO 13770.** [[Bernhardt Ethics Agreement](#), 8/15/17]

- **Bernhardt Was Also Recused from Working on Particular Matters Involving the U.S. Oil and Gas Association until July 29, 2018, Under 5 CFR § 2635.502.** [[Bernhardt Ethics Agreement](#), 8/15/17]

**The Trump Administration Approved ConocoPhillips's Willow Project In The National Petroleum Reserve In Alaska.** "The Trump administration has finalized its plans to expand drilling in the National Petroleum Reserve in Alaska (NPR-A), upsetting environmentalists by creeping toward protected territory within the reserve. The approval of the Willow Project allows ConocoPhillips to produce up to 590 million total barrels of oil over the next 30 years." [*The Hill*, [10/27/20](#)]

**Oil Activity In The Alaska National Petroleum Reserve And Arctic National Wildlife Refuge Is A Major Threat To Wildlife.** “Environmentalists say the oil activity will disrupt polar bear and caribou, particularly as oil activity expands next door at the Arctic National Wildlife Refuge (ANWR). On Friday, Interior released a plan that would greenlight seismic testing there as soon as December.” [*The Hill*, [10/27/20](#)]

**Garrison Diversion Water Conservancy Districts Has Raked In Benefits From Bernhardt’s Time At Interior, Seeing Their Projects Approved And Pushed Through Despite Controversy**

**Garrison Diversion Water Conservancy District, A Former Bernhardt Client, Got Approval For A Decades-Stalled, Controversial Plan To Pipe Water From The Missouri River To The Red River Valley. Bernhardt Continued Working For Garrison Until At Least April 2017.**

Bernhardt Was Also Recused from Working on Particular Matters Involving Garrison Diversion Irrigation District Until August 1, 2018, Under 5 CFR § 2635.502. [Bernhardt Ethics Agreement, [8/15/17](#)]

Garrison Diversion Conservancy District (garrison) Is “Spearheading” A Project To Divert Missouri River Water To Supplement Water Supplies In The Red River Valley. This project has been long opposed by environmentalists. [*Pioneer Press*, [11/02/15](#)]

For Decades, Critics Have Described The Red River Valley Water Supply Project As "Costly And Environmentally Unsound" And At One Point In 1990 It Was Described As "Possibly The Most Criticized Water Project In The Nation." Garrison, possibly the most criticized water project in the nation, would divert Missouri River water for farm irrigation and municipal use. Over the years it has been attacked as being too costly and environmentally unsound. The project was scaled back under a 1986 agreement with environmental groups that shifted the focus of the project from irrigation to municipal water use. [...] The project is again in serious trouble on Capitol Hill, because of the administration's proposal to cancel it and a recent report by the Interior Department's inspector general that the project probably isn't financially feasible. The report said the farmers who would get Garrison water for irrigation will have to pay a larger share of the construction cost than they can afford." [Associated Press, 03/28/90]

**Bernhardt Continued To Work For Garrison While He Was In Charge Of Donald Trump’s Interior Transition Team.** On April 7, 2017, the Board of Directors of the Garrison Diversion Conservancy District had a meeting in Carrington, North Dakota. In the meeting, there was a “Report of Washington, DC, Consulting Firm,” in which “David Bernhardt, Emily Sullivan and Luke Johnson of Brownstein Hyatt Farber Schreck, participated in the meeting via conference phone” and “Mr. Bernhardt gave a summary of the DOI meeting.” [“[Board of Directors Meeting Minutes](#),” Garrison Diversion Conservancy District, 04/06/17-04/07/17]

**Garrison Met With Former Interior Secretary Ryan Zinke At Least Twice While David Bernhardt Was Deputy Secretary.** “U.S. Interior Secretary Ryan Zinke devoted time Wednesday to touring Garrison Diversion Unit (GDU) facilities in central North Dakota. [...] Secretary Zinke’s visit with Garrison Diversion is the second meeting in less than a year. In

October, Garrison Diversion and the Lake Agassiz Water Authority (LAWA) representatives traveled to Washington, D.C., to meet with Secretary Zinke and Congressman Kevin Cramer about the Red River Valley Water Supply Project (RRVWSP). [...] The RRVWSP was briefly discussed again during Secretary Zinke's visit." [Garrison Diversion Water Conservancy District, [05/24/18](#)]

**The Garrison Diversion Conservancy District's General Manager Said He Expected His Project To "Get To Yes" Because The District's Lobbyist Was Appointed Deputy Secretary Of The Interior.** "The work load at the Garrison Diversion Conservancy District headquarters in Carrington, N.D., is increasing, but the district's general manager doesn't mind. [...] The mood in Washington has shifted toward water development projects. Dekrey said he understands that the Trump administration's attitude is "Get to yes" on projects brought forward by states. Not only that, the secretary of interior is Ryan Zinke, formerly Montana's representative in the U.S. Congress, where he worked closely with North Dakota's sole representative, Kevin Cramer. Dekrey expects that will help the project 'get to yes.' There's evidence of this. The Washington lobbyist whom the Conservancy District employed to look after its interests has been named deputy secretary of Interior. His name is David Bernhardt. The appointment was greeted with dismay in the environmental community, but that doesn't dim Dekrey's optimism. [*Grand Forks Herald*, [08/01/17](#)]

**In September 2018, Interior Released A Finding Of No Significant Impact For The Central North Dakota Water Supply Project, Allowing The Controversial Water Project To Move Forward.** [Press Release](#), Department of the Interior, 09/10/18]

**By Late 2018, The Bureau Of Reclamation Approved Garrison Diversion's Request To Draw 20 Cubic Feet Per Second From The McClusky Canal For The Red River Valley Water Supply Project**

**In January 2019, Garrison Sent A Thank You Letter To The Dakotas Area Office Of The Bureau Of Reclamation, Saying They "Appreciated" DOI's September 2018 Release Of The Finding Of No Significant Impact (FONSI) On Their Request To Draw 20 Cubic Feet Per Second From The McClusky Canal For The Red River Valley Water Supply Project.**

On January 31, 2019, GDCD sent the Dakotas Area Office of the Bureau of Reclamation thanking them and saying they "appreciated receiving a Finding of No Significant Impact (FONSI) on the request to obtain 20 cubic feet per second (CFS) from the McClusky Canal for the Central North Dakota component of the State of North Dakota's iteration of the Red River Valley Water Supply Project (RRVWSP)." [Records from Garrison Diversion Conservancy District, file 4, [pg. 210](#)]

- On September 10, 2018, Interior announced that the "Bureau of Reclamation has completed the environmental assessment (EA) and released the Finding of No Significant Impact (FONSI) for the Central North Dakota Water Supply Project." "The Final Environmental Assessment and Finding of No Significant Impact were completed to address a request from Garrison Diversion Conservancy District for 20 cfs of industrial water from the McClusky Canal for use by communities in the Missouri River

Basin,' said Arden Freitag, Area Manager for Reclamation's Dakotas Area Office."  
[Department of Interior press release, [09/10/18](#)]

**David Bernhardt Is Recused From The Independent Petroleum Association Of America (IPAA). Yet Their Members Have Gotten Hand Outs During His Time At Interior**

**David Bernhardt Has Given Handouts To IPAA Members – Including During A Government Shutdown - Despite Being Recused From All Matters Involving Them.**

David Bernhardt is Recused from Working on Particular Matters Involving IPAA until August 3, 2019 Under EO 13770. [[Bernhardt Ethics Agreement](#), 8/15/17]

During the December 2018-January 2019 Government Shutdown, the Bureau of Land Management (BLM) Approved 20 Onshore Permits For Companies That Sit on the Independent Petroleum Association of America (IPAA) Board of Directors Or Are Affiliated of the U.S. Oil and Gas Association (USOGA). "Of the 38 onshore drilling permits approved by the Bureau of Land Management during the shutdown, 20 were for companies that sit on the board of directors of the Independent Petroleum Association of America (IPAA) or affiliates of the U.S. Oil and Gas Association (USOGA), both former Bernhardt clients. When seeking office at the Interior Department, Bernhardt listed both trade associations on his ethics recusal and noted IPAA was a source of personal income on his financial disclosure." [[Westwise](#), [01/30/19](#)]

**The BLM Chose Not To Penalize IPAA Member Whiting Petroleum For Spilling 107 Barrels Of Oil.**

Whiting Petroleum Is A Member Of The IPAA. [IPAA Meeting Attendee List, [10/17/17](#)]

The Bureau Of Land Management Chose Not TO Penalize Whiting Petroleum For Spilling 107 Barrels Of Oil. "Trump's Interior is also taking a lighter touch on enforcing laws it has on the books. A BLM official decided against proceedings to penalize Whiting Petroleum Corp. for spilling 107 barrels of oil in Colorado on March 28, 2017, according to documents obtained through the WildEarth Guardians FOIA registry." [[E&E News](#), [07/13/18](#)]

**IPAA Member Encana Oil & Gas Got A Rare Reinstatement Of Leases That Had Been Cancelled After The Company Failed To Pay Rent.**

Encana Oil & Gas Is A Member Of The IPAA. [IPAA Meeting Attendee List, [10/17/17](#)]

The Bureau of Land Management, while it was being lobbied by Encana in September 2017, reinstated two of the company's oil and gas leases that were canceled in 2014 for failure to pay annual rent. It appears that reinstatements of canceled leases are rare, but because of BLM's database deficiencies, it is difficult to say with certainty.

- The Bureau of Land Management, on September 12, 2017, decided to reinstate two of Encana's oil and gas leases in Uintah County, Utah totaling 320 acres. The lease serial numbers are UTU74837 and UTU75675. The leases were terminated on October 1, 2014. [["Notice of Proposed Class II Reinstatement of Terminated Oil and Gas Leases,"](#) Federal Register, 09/12/17]
- Leases UTU74837 and UTU75675 were terminated on October 1, 2014 for "failure to pay annual rent." [["Determination of NEPA Adequacy,"](#) BLM, February 2016]

### **Encana lobbied Bureau of Land Management in the third and fourth quarters of 2017.**

[["Search results for 'Government Entity Contacted: BLM,"](#) Senate Lobbying Disclosure Database, accessed 03/27/18]

- At the end of 2016, there were a total of 40,143 BLM oil and gas leases "in effect." A search of the Federal Register shows that notices of proposed reinstatements of oil and gas leases have only been published eight times in the last year. [[Federal Register search,](#) accessed 03/12/18]
- It is difficult to determine statistics for canceled BLM oil and gas leases because "BLM's database does not identify the number for onshore determinations." [["Oil and Gas Production on Federal Leases: No Simple Answer,"](#) Office of the DOI Inspector General," February 2009]

### **Cimarex Energy, An IPAA Member, Had A Project Expedited Through Interior Despite Failing To Complete The Permit.**

Cimarex Enert Is A Member Of The IPAA. [IPAA Meeting Attendee List, [10/17/17](#)]

**Cimarex Energy: "A Critical Habitat Or Suitable Habitat Designation Could Result In Further Material Restrictions To Federal Land Use And May Materially Delay Or Prohibit Land Access For Oil And Gas Development."** [Cimarex Energy Form 10-K, Q4 2018, [2/20/19](#)]

**Cimarex Energy's Drilling Permit Was Deemed Incomplete By The Bureau Of Land Management In March 2017.** "In March 2017, a politically connected oil firm called Cimarex Energy Co. was in a hurry to begin fracking on a flat expanse of farmland in the western Oklahoma oil patch. But the company's application for a federal drilling permit had been rejected as "incomplete" and "deficient," records show. The U.S. Bureau of Land Management had flagged both engineering and environmental issues. The company faced a 60-day wait while a revised application was being reviewed." [*Reveal News*, [11/04/19](#)]

**Cimarex Energy's Permit Was Then Sent To "Expedited Review" And Was Approved 16 Days Later.** "In the days that followed, political appointees at the highest levels of the U.S. Department of the Interior went to extraordinary lengths to fast-track Cimarex's drilling permit, according to a trove of emails reviewed by Reveal from The Center for Investigative Reporting. [...] The next day, Nedd reported that an "expedited review" of Cimarex's permit was



underway. Sixteen days after Cimarex complained to the petroleum association, it had its permit." [Reveal News, [11/04/19](#)]

### **IPAA Member QEP Resources Had Its Royalty Rate Slashed While Pushing For New Oil And Gas Lease Auctions During David Bernhardt's Leadership At Interior**

QEP Resources Is A Member Of The IPAA. [IPAA Meeting Attendee List, [10/17/17](#)]

QEP Resources Had Its Royalty Rate Reduced To 5% On A 160-Acre Public Lands Oil And Gas Lease In Utah. [UTU-064922, accessed [06/22/20](#)]

QEP Resources Is The 6<sup>th</sup> Largest Owner Of Leases In Sage Grouse Habitat Possessing 214,944 Acres As Of October 2017. [BLM LR2000, accessed [10/25/17](#)]

QEP Resources Pushed For BLM's Push To Auction New Oil And Gas Leases. "Brian Steed, the Bureau of Land Management deputy director for programs and policy, yesterday defended his agency's push to auction new oil and gas leases, despite thousands of inactive permits, siding with industry representatives who argued such delays are a necessity in their business. [...] Both Shane Schulz, the director of government affairs for Denver-based QEP Resources Inc., and Jarred Kubat, the vice president of land, legal and regulatory for Denver-based Wold Energy Partners, defended the process of allowing leases to sit idle." [E&E News, [01/19/18](#)]

### **IPAA Members Chesapeake Energy Got A Quarter Of All Lease Suspensions Given Out During The Pandemic**

Chesapeake Energy Is A Member Of The IPAA. [IPAA Meeting Attendee List, [10/17/17](#)]

Chesapeake Energy Is An Oil And Gas Company. "We are an independent exploration and production company engaged in the acquisition, exploration and development of properties to produce oil, natural gas and NGL from underground reservoirs." [SEC EDGAR - Chesapeake Energy 10-K, [02/27/20](#)]

Chesapeake Exploration Has Received 109 -- A Quarter Of All Approvals During The Pandemic-- Separate BLM Lease Suspensions, More Than Any Other Company. Chesapeake Exploration has a majority stake in 109 suspended BLM leases in Wyoming, spanning 73,104 acres. [BLM LR2000 Lease Suspension And Royalty Relief Database, [06/01/20](#)]

- Chesapeake Exploration Is A Subsidiary Of Chesapeake Energy. [SEC, accessed [05/18/20](#)]

**Brownstein Hyatt Farber Schreck's Business Has Skyrocketed After Their Former Partner David Bernhardt Took Office To The Benefit Of Their Pockets And Their Clients**



## **Brownstein Hyatt Farber Schreck's Business Quadrupled After Former Partner David Bernhardt Joined Interior...**

David Bernhardt was Recused From Working On Particular Matters Involving BHFS-E PC And Brownstein Hyatt Farber Schreck Until August 3, 2019 Under EO 13770. [Bernhardt Ethics Agreement, [8/15/17](#)]

- **Bernhardt Was Also Recused from Working on Particular Matters Involving BHFS-E PC And Brownstein Hyatt Farber Schreck Until August 1, 2018, Under 5 CFR § 2635.502.** [Bernhardt Ethics Agreement, [8/15/17](#)]

**Brownstein Hyatt Farber Schreck (BHFS) Is A Well-Connected DC Lobbying Firm Whose Former Partner, David Bernhardt, Is Now A Member Of Donald Trump's Cabinet.** "Before becoming acting secretary, Bernhardt spent about eight years as a partner in Brownstein Hyatt Farber Schreck, one of the nation's top-grossing law and lobbying firms, according to public rankings. There he represented energy, mining and Western water interests that deal with the Interior Department, including two California entities, Westlands Water District – the nation's largest irrigation district – and Cadiz Inc." [LA Times, [04/11/19](#)]

**Throughout The Trump Administration, BHFS Has Enjoyed Increased Business From Lobbying Clients Seeking Influence In Trump's Government.** "Business has blossomed at Interior Secretary David Bernhardt's former law and lobbying firm in the 31 months since he was first nominated to a Trump administration post, a new study by an environmental group shows. Thirty-six clients have paid Denver-based firm Brownstein Hyatt Farber Schreck LLP a total of \$11.96 million to lobby the Interior Department, the study found, including 19 clients that hired the company after Bernhardt's initial nomination in April 2017." [E&E, [12/18/19](#)]

- **BHFS's Business Lobbying The Interior Department Quadrupled After Bernhardt's Appointment.** "Over the past three years, according to federal records, acting interior secretary David Bernhardt's former firm Brownstein Hyatt Farber Schreck has quadrupled its business related to Interior. In 2018, two dozen clients paid BHFS a total of \$4.8 million to lobby Interior, according to data compiled from a lobbying database maintained by the Senate. During the previous year, when Bernhardt left the firm to join the Trump administration as deputy secretary, it collected a total of \$3.5 million in Interior-related revenue." [Washington Post, [04/03/19](#)]

## **...Shooting Up Even More During The Coronavirus Pandemic.**

**BHFS Is Among The Lobbying Firms Reporting An Uptick In New, Covid-19-Related Business.** "Business has boomed on K Street since the coronavirus outbreak, with lobbying firms bringing in more than 100 new clients to work on congressional relief efforts and issues tied to Covid-19. [...] Of 104 new coronavirus-related contracts identified, the actual number is likely much higher, as firms have up to 45 days after signing a client to file paperwork. Brownstein Hyatt Farber Schreck reported signing 14 new clients since the beginning of March. Nine, including the National Retail Federation and the Tunica-Biloxi Tribe of Louisiana, listed Covid-19 relief measures as the only issue on the agenda." [Bloomberg Government, [04/08/20](#)]

**BHFS Reports At Least 17 New Clients In “Recent Weeks.”** “The law and lobbying firm Brownstein Hyatt Farber Schreck has started lobbying on coronavirus-related issues for 17 new clients in recent weeks, according to the firm. The firm’s new clients include the National Retail Federation, Tenet Healthcare (which also brought on the Carmen Group), the casino company Wynn Resorts, the private equity firm Searchlight Capital and Tom Barrack’s Colony Capital.” [*Politico*, [04/09/20](#)]

### **After Years Of Promotion From David Bernhardt, BHFS’s Client Jordan Cove Saw Their Gas Project Expedited During The Pandemic...**

**Interior Secretary David Bernhardt Is Promoting A Fossil Fuel Project For Which His Old Lobbying Firm Is An Advocate, According To Emails.** “The US interior secretary, David Bernhardt, is promoting a fossil fuel project for which his former employer, a lobbying firm, is a paid advocate, e-mails obtained by the Guardian suggest. Experts say Bernhardt is probably violating ethics guidelines issued by the Trump administration with the stated goal of “draining the swamp”. Based on these rules, Bernhardt should be recused from specific issues involving a former client for at least two years.” [*Guardian*, 08/21/19]

**Jordan Cove Is A Major Priority For Oil And Gas Interests In The West.** “Jordan Cove is a major priority of western oil and gas interests, since it would probably lead to expanded drilling in three major gas fields: the Jonah Field in Wyoming, the Piceance Basin in Colorado, and the Uintah Basin in northern Utah. It has faced strident opposition from indigenous people, environmentalists, and landowners concerned about climate change, impacts on waterways, and the use of eminent domain to seize land.” [*Guardian*, 08/21/19]

**Jordan Cove Energy Project Has Paid Brownstein Hyatt Farber Schreck \$40,000 To Lobby On Issues “Supporting The Establishment Of An LNG Export Facility” In 2020.** [Senate Lobbying Database, Lobbying Report, [07/19/20](#)] [Senate Lobbying Database, Lobbying Report, [04/20/20](#)]

- **There Is An Entry In A Federal Official’s Calendar That Shows Brownstein Hyatt As Specifically Lobbied Interior About Jordan Cove.** “An entry in a federal official’s calendar shows that Brownstein Hyatt has specifically lobbied the interior department in regard to the Jordan Cove project.” [*Guardian*, 08/21/19]

**The Jordan Cove Liquefied Natural Gas Terminal Was Among The Projects Expedited During Coronavirus.** [Letter From Katherine MacGregor To Larry Kudlow, [07/15/20](#)]

**The Jordan Cove LNG Terminal Has Previously Faced Pushback From Landowners And Over Its Threat To Wildlife.** “Regulator and public concern about expected harm from the terminal and its 230-mile feeder pipeline in southern Oregon to threatened wildlife species and to landowners had slowed the project previously.” [*Washington Post*, [07/06/20](#)]

**The Jordan Cove Terminal Was Expedited Despite Slumping Energy Demand.** “The administration’s export authorization for the Oregon project comes as legal challenges and

slumping consumer energy demand amid the coronavirus pandemic and recession block some of the country's most prominent oil and gas pipeline projects." [*Washington Post*, [07/06/20](#)]

### **...As Was The Controversial Maglev High Speed Rail Despite BHFS Client Northeast Maglev's Failure To Answer Basic Financing Concerns.**

The Maglev High Speed Rail Was Expedited By The Department Of Agriculture During Coronavirus. [USDA Report On EO 13927, [07/07/20](#)]

The Northeast Maglev, LLC is a company committed to building a "superconducting magnetic levitation train in the Northeast Corridor," connecting Washington D.C., Baltimore, Philadelphia, New York City, and Boston. [Emails between Holly Noles and Catherine Gulac, [page 16](#) and The Northeast Maglev Project, accessed [04/02/19](#)]

Northeast Maglev Has Spent \$390,000 On Lobbying In 2020. [Senate Lobbying Database, accessed [10/20/20](#)]

- **Included In Northeast Maglev's Lobbying Expenditure Is \$20,000 To David Bernhardt's Former Employer Brownstein Hyatt Faber Schreck.** [Senate Lobbying Database, Lobbying Report, [04/20/20](#)]
- **In 2017, Brownstein Hyatt Faber Schreck Failed To Timely Report Lobbying Of The Interior Department On Behalf Of Northeast Maglev.** Brownstein Hyatt reported it did not engage in any lobbying activity at the Interior Department on behalf The Northeast Maglev, LLC in 2017. Brownstein, which first registered to lobby on behalf of The Northeast Maglev, LLC on June 1, 2017, did not report it was lobbying the Interior Department on behalf of The Northeast Maglev, LLC until the third quarter of 2018. [Brownstein Hyatt Registration, [06/01/17](#); Brownstein Hyatt Lobbying Report, [Second Quarter 2017](#); Brownstein Hyatt Lobbying Report, [Third Quarter 2017](#); Brownstein Hyatt Lobbying Report, [Fourth Quarter 2017](#); Brownstein Hyatt Lobbying Report, [First Quarter 2018](#); Brownstein Hyatt Lobbying Report, [Second Quarter 2018](#); Brownstein Hyatt Lobbying Report, [Third Quarter 2018](#)]

**Northeast Maglav Has Failed To Answer Questions On Financing The \$10B-\$12B Project Or Concerns Over Its Impact On Neighborhoods.** "Building the D.C.-Baltimore stretch could cost between \$10 billion and \$12 billion, of which Northeast Maglev had said it has secured \$5 billion from Japan. Residents and local elected leaders along the route have voiced concerns about the project, citing impacts on private and public property and fears that the project will need a public subsidy. Some residents say Northeast Maglev has not provided answers to basic question about the project's financing, how much it will cost to ride once completed, construction impacts on neighborhoods and the depth of the tunnel." [*Washington Post*, [12/17/19](#)]