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August 13, 2018

## **OPEN RECORDS REQUEST**

Dear Records Request Officer:

Pursuant to North Dakota's open records laws, I request access to and a copy of the retainer agreement between the Garrison Diversion Conservancy District and David Bernhardt of the law firm Brownstein Hyatt Farber Schreck.

This retainer is referenced in the meeting minutes from the February 26, 2016 meeting of the Garrison Diversion Conservancy District board of directors, which was previously available to the public at the following URL:

[http://www.garrisondiv.org/minutes/RRV\\_Minutes\\_2-26-16.pdf](http://www.garrisondiv.org/minutes/RRV_Minutes_2-26-16.pdf).

### **Fee Waiver Request**

Western Values Project requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the government, and the disclosures will likely contribute to a better understanding of relevant government procedures by the public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes.

Western Values Project requests a waiver of fees because disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of government operations and is not primarily in the commercial interest of the requester. The disclosure of the information sought under this request will document and reveal the operations of the government, including how public funds are spent and how officials conduct the public's business.

This request has significant public and media interest. David Bernhardt "is the second-highest-ranking official at the Interior Department with statutory responsibilities as the Chief Operating Officer of an agency of more than 70,000 employees and an annual budget of approximately \$12 billion."<sup>1</sup> Just in the past week, there have been a number of articles featuring Deputy Secretary David Bernhardt, including an op-ed by the Deputy Secretary in the *Washington Post*, a 1,500 word profile of him in *E & E News*, and a write-up of Bernhardt's California water district work from *Slate* magazine.<sup>2</sup>

This request is primarily and fundamentally for non-commercial purposes. As a project of a 501(c)(3) organization, Western Values Project does not have a commercial purpose and the release of the information requested is not in Western Values Project's financial interest. Western Values Project's mission is to give a voice to Western values in the national conversation about resource development and public lands conservation, a space too often dominated by industry lobbyists and their government allies. Western Values Project will use the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. Western Values Project will also make materials it gathers available on our public website <http://www.westernvaluesproject.org/>.

Accordingly, Western Values Project qualifies for a fee waiver.

### **Conclusion**

If possible, I would prefer to receive this information electronically via e-mail at [csaeger@westernvaluesproject.org](mailto:csaeger@westernvaluesproject.org).

If you have questions or need additional information, please feel free to contact Brad Hennessy, my associate who will be handling all follow-up on this request. Brad can be reached at [brad@westernvaluesproject.org](mailto:brad@westernvaluesproject.org) or at (406) 924-9491.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act.

Thank you for your assistance.

Sincerely,

Chris Saeger  
Executive Director  
Western Values Project

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<sup>1</sup> <https://www.doi.gov/whoweare/depsec>

<sup>2</sup> [https://www.washingtonpost.com/opinions/at-interior-were-ready-to-bring-the-endangered-species-act-up-to-date/2018/08/09/2775cd8e-9a96-11e8-b55e-5002300ef004\\_story.html?utm\\_term=.1be13ecf58e6](https://www.washingtonpost.com/opinions/at-interior-were-ready-to-bring-the-endangered-species-act-up-to-date/2018/08/09/2775cd8e-9a96-11e8-b55e-5002300ef004_story.html?utm_term=.1be13ecf58e6); <https://www.eenews.net/stories/1060093769>; and <https://slate.com/news-and-politics/2018/08/california-fires-and-the-states-war-with-trump.html>