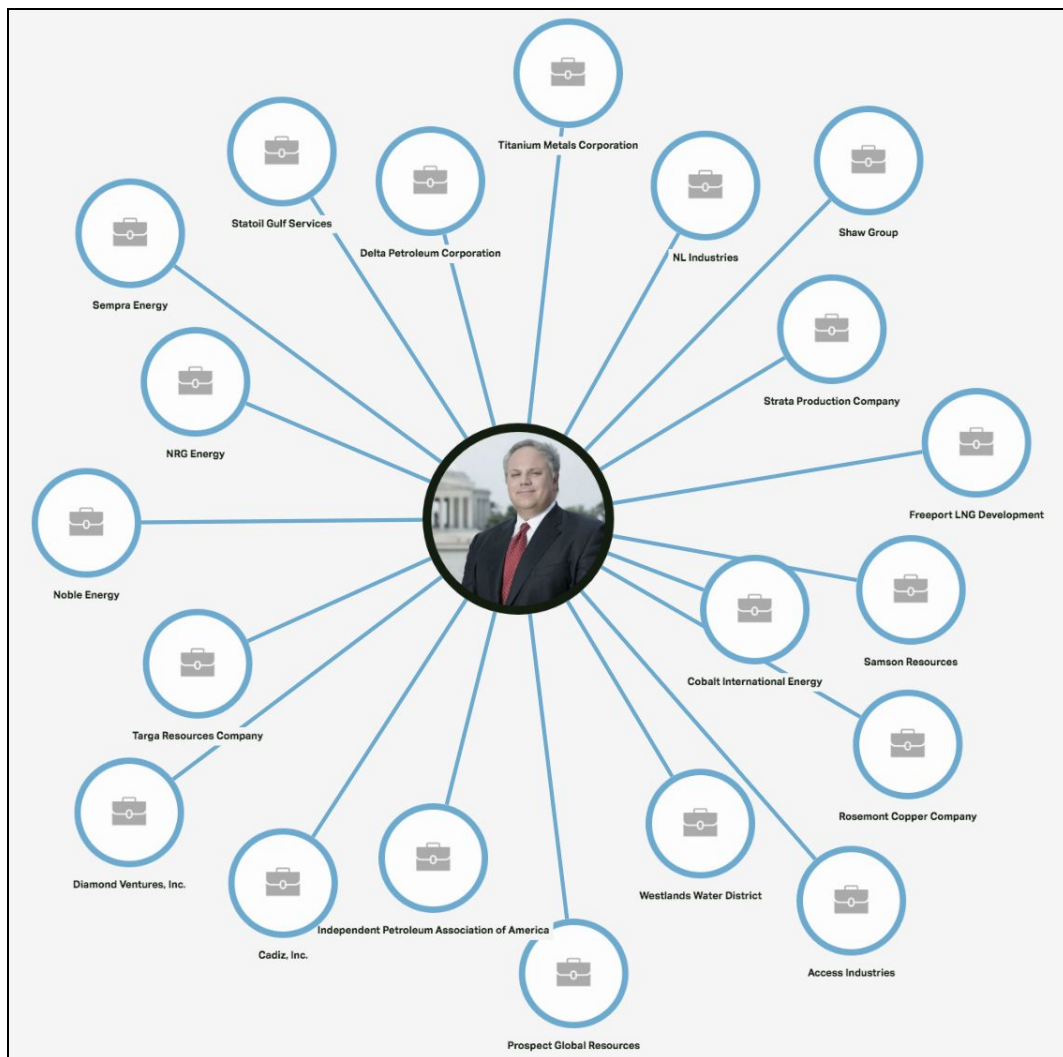


Report: The Curious Case of Interior Secretary David Bernhardt's Recusals

As Trump's Most Conflicted Cabinet Secretary Final Recusal Period Comes to an End, Most of His Former Special Interest Clients Wishes Already Granted



Secretary Bernhardt's Conflicts on the Department of Influence [Website](#)

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Executive Summary

When David Bernhardt joined the Trump Administration, he was required to recuse himself from certain matters that he had worked on as a natural resource and extractive industries lobbyist and legal advisor. Over the past two years, however, Bernhardt has systematically undermined his very own ethics pledge and, at times, treated the Department of the Interior more like a private lobbying firm than an advocate for America's public lands.

Bernhardt was supposed to recuse himself from 'particular matters' dealing with [26 former clients](#) over a two-year period, under ethics rules instituted by President Trump meant to curb the influence of special interests and D.C.'s infamous revolving door with lobbyists. But for some reason, only 22 of Bernhardt's former clients were [subject to the two-year 'cooling off'](#) period, while 23 of his former clients were subject up to a one-year recusal. In total, 24 former clients were listed on his pocket-sized recusal '[card](#),' which conspicuously omits a former energy client and includes recusal dates that are inconsistent with the presidential order.

Additionally, all of Bernhardt's recusals should expire at the same time – on August 3, 2019. But inexplicably, some expired a year earlier. Thus far Interior has failed to explain this inconsistent application of ethics rules. The timelines and numbers just don't add up for one reason: Bernhardt selectively applied the law, rules and regulations regarding his recusals.

Consistently Inconsistent

By last count, at least 20 of Bernhardt's former clients have [lobbied](#) the Interior Department during his consistently inconsistent recusal period. He's been forced to step away from a [keynote speech](#) due to unspecified ethics issues, but has also railroaded environmental [rules](#) to the benefit of a former client. He was recused from a [meeting](#) related to sage-grouse policy, but led Interior's [rollback](#) of habitat protections for the bird. There's no good reason for the inconsistency in Bernhardt's recusals.

His recusal list includes four former clients with ties to state or local governments - Forest County Patawatomí Community, Garrison Diversion Irrigation District, Santa Ynez Water Conservation District, and Westlands Water District - that appear to be exempted from the executive ethics order even though Bernhardt was working for his former lobbying firm at the time. Neither Bernhardt nor Interior ethics officials have been able to explain Bernhardt's recusal inconsistencies.

Numerous Ongoing Investigations; With More Oversight Needed

Just four days after being sworn in as Secretary, Interior's watchdog launched a multi-faceted ethics [investigation](#) of Bernhardt's shady and potentially illegal conduct. One independent

source counts more than a dozen [scandals](#) related to Bernhardt's conduct at Interior. In many ways, we're just seeing the tip of the iceberg of Bernhardt's scandals.

A Boon for Business & Special Access for Clients

Bernhardt's former clients have been receiving preferential treatment since the get-go – and his former business partners are laughing all the way to the bank. His former lobbying firm [quadrupled](#) its lobbying business during his tenure and most recently posted a \$10 million revenue haul in a single [quarter](#).

His subordinates at Interior have taken some 70 [meetings](#) with his former clients, including meetings with at least 10 lobbyists from Brownstein Hyatt Farber Schreck -- Bernhardt's former lobbying firm. After his [secret calendar](#) was discovered, it became clear that even Bernhardt met with at least one of the former clients he was supposed to be recused from dealing with.

Meetings and access are one thing, but actions and policy decisions benefiting those same former clients is another. The following report documents the curious case of Bernhardt's recusals and some of the sweetheart deals benefiting his former clients and special interests at the expense of America's public lands. While Bernhardt's final recusals may be expiring, damage to our public lands and wildlife has already been done.

David Bernhardt: The Most Conflicted Interior Secretary In History

Deputy Secretary Bernhardt Is Known To Carry An Ethics "Card," Listing Companies He Must Avoid

"[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-E PC	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		

However, This Ethics "Card" Only Displays Recusals Under 5 CFR § 2635.502 (The Ethics Statute), Not EO 13770 (The Trump Ethics Pledge). As A Result, It Omits One Entity Altogether, And Provides Incorrect Recusal End Dates For 24 Others

David Bernhardt Is Prohibited From Working On Particular Matters Involving Noble Energy Company, LLC Until August 3, 2019 Under Eo 13770, But This Entity Is Not Listed On His Ethics "Card." [Bernhardt Ethics Agreement, [8/15/17](#); Bernhardt's Recusal Card, Received [10/12/18](#)]

David Bernhardt Is Prohibited From Working On Particular Matters Involving Active Network LLC, BHFS-E PC, Brownstein Hyatt Farber Schreck, LLP, Cadiz, Inc., CESAR, Cobalt International Energy, Eni Petroleum, North America, Halliburton Energy Services,

LLC, Huidbay, Independent Petroleum Association Of America (IPAA), Don Klees, National Ocean Industry Association (NOIA), NRG Energy Inc., Rosemont Copper Company, Sempra Energy, Statoil Gulf Services LLC, Statoil Wind Llc, Targa Resources Company LLC, Taylor Energy Company LLC, Ube PC, And U.S. Oil And Gas Association Until August 3, 2019 Under EO 13770, But The Recusal End Dates Provided On The Ethics "Card" Reflect Recusals Under 5 Cfr § 2635.502, Ranging From March 1, 2018 To August 1, 2018. [Bernhardt Ethics Agreement, [8/15/17](#); Bernhardt's Recusal Card, Received [10/12/18](#)]

David Bernhardt Had To Cancel A Speech At The Last Minute Due To Ethics Concerns

Bernhardt Was Scheduled To Deliver The Keynote Speech At The Colorado River Water Conservation District's Annual Water Seminar Program On September 14, 2018, But Had Withdraw At The Last Minute. Interior officials did not elaborate on the reasons behind the cancellation beyond "recommend[ing] that he not participate." [*Greenwire*, [9/14/18](#)]

Active Network LLC

David Bernhardt Is Recused From Working On Particular Matters Involving Active Network LLC...

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

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

Active Network, LLC Makes Management Software For Campgrounds, Historic Sites, and Hunting, Fishing, and Boating Licenses. Active Network, LLC has a division that provides "outdoor management software to provide real-time visibility to inventory and financial reporting for campgrounds, marinas, historic sites, day-use facilities, and seasonal licenses, such as hunting, fishing, and boating. The company also provides camp management software to build online registration forms with payment processing." ["Active Network, LLC," *Bloomberg*, accessed [03/08/17](#)]

...But Assistant Deputy Secretary Todd Willens Tried To Arrange A Meeting Between David Bernhardt And A BHFS Lobbyist Representing Active Network LLC "Before Mr. Bernhardt Is Sworn In"

In Late July 2017, Todd Willens Requested BHFS Lobbyist Bill McGrath Come Meet Him "Before Mr. Bernhardt Is Sworn In," On Behalf Of Active Network LLC, A Former Bernhardt Client, Which Runs Recreation.Gov And "Would Like To Discuss Some Of The Opportunities Moving Forward."

- **Todd Willens Received An Email From A BHFS Lobbyist.** On July 20, 2017, BHFS lobbyist Bill McGrath emailed Todd Willens, asking if he "had a few minutes to meet with our client Active Network. Active runs the Recreation.gov website and would like to discuss some of the opportunities moving forward. Do you have any time on Tuesday August 8th to meet? I think it would only be 30 minutes at most." [Emails From Brownstein Communications, [page 193](#)]
- **Catherine Gulac Was The "Administrative Assistant To The Deputy Secretary," And Was Working In The Office Of The Deputy Secretary In August Of 2017.** [Letter from House Oversight and Reform Committee Chairman Elijah Cummings To Acting Secretary David Bernhardt, [03/28/19](#) And Email For Mary Pletcher To Catherine Gulac, [08/14/17](#)]
- **Catherine Gulac Helped Set Up The Meeting Between David Bernhardt and BHFS Lobbyist, Bill McGrath.** On July 25, 2017, Catherine Gulac wrote to BHFS lobbyist Bill McGrath, saying "Mr. Willens requested that this meeting take place this week (before Mr. Bernhardt is sworn in next week). We hope that you can assist Active Network in making this happen." [Emails from Brownstein Communications, [page 193](#)]
- **McGrath Sent An Email Request For A Meeting About Active Network To Catherine Gulac.** On July 25, 2017, McGrath sent Catherine Gulac a meeting request for this meeting with Active Network, but it is not clear when the meeting took place or who took part in it. [Emails from Brownstein Communications, [page 195](#) And Todd Willens Calendar, [July 2017](#)]
- **Active Network LLC, Or Aspira, Is One Of David Bernhardt's Former Clients, And He Is Supposed To Be Recused From Dealing With Matters Involving Them Until August 1, 2019.** [David Bernhardt Ethics Recusal Letter, [08/15/17](#)]
- **Bill McGrath Began Working At BHFS In May 2017 And Registered To Lobby For Active Network, LLC On June 27, 2017.** [LinkedIn Profile for William McGrath, accessed [04/11/19](#) and Lobbying Registration for Bill McGrath, [06/27/17](#)]

Brownstein Hyatt Farber and Schreck

David Bernhardt Is Recused from Working On Particular Matters Involving Two Entities Affiliated With His Former Lobbying Firm, Brownstein Hyatt Farber and Schreck (BHFS)....

David Bernhardt Is Recused From Working On Particular Matters Involving BHFS-E PC 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](#)]

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

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

...Yet The Firm Still Touts Their Access To Him

In A December 20 [2017] Letter To The Garrison Conservancy] District Doubling Its Monthly Fees, BHFS wrote, ‘Many Of The Decision-makers In The Agencies Are Former Co-workers And Colleagues.’ [The Washington Post, [11/19/18](#)]

BHFS Had At Least 10 Meetings With Top Interior Staff During Bernhardt’s First Year

<u>Meeting Date</u>	<u>Firm</u>	<u>Interior Officials Present</u>	<u>Link</u>
6/6/17*	BHFS	Cason, DeVito	https://www.documentcloud.org/documents/4444836-Vincent-DeVito-Calendar-May-to-October-2017.html#document/p43/a419786
10/17/17	BHFS	Zinke	https://www.documentcloud.org/documents/5448601-Zinke-Briefing-book17-00413ca.html#document/p267/a481462
12/14/17	BHFS	Jorjani, Larrabee, Willens	https://www.documentcloud.org/documents/5700390-Todd-Willens-Calendar-July-3-2017-May-3-2018.html#document/p219/a479657
2/15/18	BHFS	Balash	https://www.documentcloud.org/documents/5411074-Balash-Calendar-18-00703-12-21-17-to-10-1-18.html#document/p72/a481459
3/15/18	BHFS	Balash	https://www.documentcloud.org/documents/5411074-Balash-Calendar-18-00703-12-21-17-to-10-1-18.html#document/p108/a481457
1/23/18	BHFS, Rosemont Copper	Jorjani, Larrabee, Sheehan	https://www.documentcloud.org/documents/5513210-Greg-Sheehan-Calendar-6-1-17-to-8-31-18.html#document/p234/a481460
2/13/18	BHFS, Statoil	Balash, MacGregor	https://www.documentcloud.org/documents/5411074-Balash-Calendar-18-00703-12-21-17-to-10-1-18.html#document/p69/a481458
6/29/17	BHFS, Statoil Wind	DeVito	https://www.documentcloud.org/documents/4444836-Vincent-DeVito-Calendar-May-to-October-2017.html#document/p70/a419844

3/13/17	BHFS, Targa Resources	Cason, Magallanes	https://www.documentcloud.org/documents/4365783-Downey-Magallanes-Calendar-Jan-to-Sept-2017.html#document/p48/a402330
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* Although Bernhardt was not confirmed as Deputy Secretary until July 24, 2017, his appointment was announced on April 28, 2017.

...And Their Clients Are Lobbying Interior At Unprecedented Levels

In The Last Three Years, The Amount Brownstein Hyatt Farber Schreck (BHFS) Has Been Paid To Lobby The Interior Department Has Steadily Increased. In Particular, It More Than Doubled Between 2016 And 2017, The Year That Bernhardt Became Deputy Secretary Of The Interior.

- In 2016, BHFS was paid \$1,280,000 by its clients to lobby the Interior Department. [United States Senate Lobbying Disclosure Act Database]
- In 2017, BHFS was paid \$3,540,000 by its clients to lobby the Interior Department. [United States Senate Lobbying Disclosure Act Database]
- In 2018, BHFS was paid \$4,850,000 by its clients to lobby the Interior Department. [United States Senate Lobbying Disclosure Act Database]

The Number Of Clients That Brownstein Hyatt Farber Schreck Lobbied Interior On Behalf Of More Than Doubled From 2016 To 2017. Six Of The New¹ Clients Focused On Lobbying The Interior Department In 2017 Were David Bernhardt's Former Clients.

In 2016, BHFS Lobbied The Interior Department On Behalf Of 10 Clients:

- Aspira (formerly the Active Network LLC)
- Blackfeet Tribe
- Forest County Potawatomi Community
- Navajo Nation
- The Conservation Trust of Puerto Rico
- University of Utah
- West Coast Aggregate, LLC
- Westlands Water District
- White Mountain Apache Tribe
- WPX Energy, Inc.

[United States Senate Lobbying Disclosure Act Database]

In 2017, BHFSs Lobbied Interior On Behalf Of 22 Clients, Over Twice As Many As The Previous Year.

¹Not all these clients are entirely new to BHFS-- some previously used BHFS' services but not to lobby the Interior Department.

- Aspira (formerly the Active Network LLC)
- Blackfeet Tribe
- Cadiz, Inc.
- Colorado River Energy Distributors Association
- Delaware North Companies Inc.
- Equinor Gulf Services LLC (formerly Statoil Gulf Services LLC)
- Equinor Wind US LLC (formerly Statoil Wind US LLC)
- Forest County Potawatomi Community
- Garrison Diversion Conservancy District
- Gemfield Resources, LLC
- Hudbay Minerals (formerly Rosemont Copper Company)
- Lytton Band of Pomo Indians
- MGM Public Policy, LLC
- Navajo Nation
- Nexcore Group
- Office of the Governor, State of Colorado
- Solidus Resources, LLC
- Taylor Energy Company LLC
- Town of Tusayan, AZ
- Westlands Water District
- White Mountain Apache Tribe
- WPX Energy, Inc.

[United States Senate Lobbying Disclosure Act Database]

In 2017, Six Former Bernhardt Clients Hired BHFS to Lobby The Department Of Interior After Bernhardt Became Deputy Secretary Of Interior. Six of David Bernhardt's former lobbying clients-- Cadiz, Equinor Gulf Services LLC (formerly Statoil Gulf Services LLC), Equinor Wind LLC (formerly Statoil Wind LLC), Hudbay Minerals (formerly Rosemont Copper Company) Garrison County Diversion District, and Taylor Energy Company LLC, didn't use BHFS to lobby Interior in 2016, but started using BHFS to lobby Interior in 2017. [[David Bernhardt Recusal](#) and United States Senate Lobbying Disclosure Act Database]

In 2018, Brownstein Hyatt Farber Schreck Lobbied Interior On Behalf Of 23 Clients.

- Aspira (formerly the Active Network LLC)
- Blackfeet Tribe
- Cadiz, Inc.
- Central Arizona Water Conservation District (CAWCD)
- Colorado River Energy Distributors Association
- Delaware North Companies, Inc.
- Equinor Gulf Services LLC (formerly Statoil Gulf Services LLC)
- Equinor Wind US LLC (formerly Statoil Wind US LLC)
- Forest County Potawatomi Community
- Garrison Diversion Conservancy District
- Hudbay Minerals (formerly Rosemont Copper Company)
- Lytton Band of Pomo Indians
- MGM Public Policy, LLC

- Navajo Nation
- New Mexico Oil and Gas Association
- Office of the Governor, State of Colorado
- San Diego County Water Authority
- Taylor Energy Company LLC
- The Northeast Maglev, LLC
- Town of Tusayan, AZ
- Westlands Water District
- White Mountain Apache Tribe
- WPX Energy, Inc.

[United States Senate Lobbying Disclosure Act Database]

One BHFS Lobbyist Lobbies On Behalf Of At Least Eight Former David Bernhardt Clients, Including Aspira, Cadiz, Garrison Diversion Conservancy District, Hudbay Minerals, Taylor Energy, & Westlands Water District

Brownstein Hyatt Lobbyist Luke Johnson Is Also The Lobbyist For At Least Eight Former Clients Of David Bernhardt: Aspira (Formerly Active Network, LLC), Cadiz, Equinor Gulf Services (Formerly Statoil Gulf Services), Equinor Wind Services (Formerly Statoil Wind Services), The Garrison Diversion Conservancy District, Hudbay Minerals (Formerly Rosemont Copper Co.), Taylor Energy, And The Westlands Water District. Brownstein Hyatt lobbyist Luke Johnson is also the lobbyist for at least eight former clients of David Bernhardt: Aspira (formerly Active Network, LLC), Cadiz, Equinor Gulf Services (formerly Statoil Gulf Services), Equinor Wind Services (formerly Statoil Wind Services) the Garrison Diversion Conservancy District, Hudbay Minerals (formerly Rosemont Copper Co.), Taylor Energy, and the Westlands Water District. [Brownstein Hyatt Lobbying Report for Aspira, [Fourth Quarter 2017](#); Brownstein Hyatt Lobbying Report for Equinor Gulf Services, [Fourth Quarter 2017](#); Brownstein Hyatt Lobbying Report for Equinor Wind Services, [Fourth Quarter 2017](#); Brownstein Hyatt Lobbying Report for Garrison Diversion Conservancy District, [Fourth Quarter 2017](#); Brownstein Hyatt Lobbying Report for Hudbay Minerals, [Fourth Quarter 2017](#); Brownstein Hyatt Lobbying Report for Taylor Energy, [Fourth Quarter 2017](#); Brownstein Hyatt Lobbying Report, [Fourth Quarter 2017](#); and Brownstein Hyatt Lobbying Report for Westlands Water District, [Fourth Quarter 2017](#)]

Top Bernhardt Aides Arranged And Met With BFHS Energy Lobbyist Luke Johnson In December 2017, To Discuss Issues On Behalf Of The Northeast Maglev...

In December 2017, Bernhardt Scheduler Catherine Gulac Arranged A Meeting Between Top Bernhardt Aide Todd Willens And Acting Solicitor Daniel Jorjani With Brownstein Hyatt Energy Lobbyist Luke Johnson, On Behalf Of The Northeast Maglev. This Meeting Appears To Have Taken Place December 14, 2017.

- In December 2017, Catherine Gulac, who was also scheduling for then-Deputy Secretary David Bernhardt, arranged a meeting between top Bernhardt official Todd Willens and Acting Solicitor Daniel Jorjani and Luke Johnson, a Brownstein Hyatt lobbyist, on behalf

of The Northeast Maglev. [[Emails between Holly Noles and Catherine Gulac](#), pages 1-20; [Todd Willens Calendar](#), July 2017 through May 2018; and [David Bernhardt Calendar](#), December 2017]

- In October 2017, Brownstein Hyatt announced that lobbyist Luke Johnson would "lead the firm's Energy, Environment & Resource Strategies (EERS) Group [...] Johnson is a former deputy director for policy and programs and chief of staff for the Bureau of Land Management. He also previously served as chief of congressional and legislative affairs for the Bureau of Reclamation and served as a senior advisor on natural resource issues in the U.S. Senate and the U.S. House Committee on Natural Resources." [[Brownstein Hyatt Farber Schreck](#), 10/04/17]
- On December 8, 2017, BHFS Executive Assistant Holly Holes emailed Catherine Gulac, following Gulac saying their initial meeting time would no longer work for all parties, saying "Would it be possible to still meet at some point next week even if that means that all three attendees on Interior's end aren't there? Maglev is concerned about timing in regard to a preliminary report coming out so the earlier the better." [[Emails from Brownstein Communications](#), page 396]
- 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]

... Which BHFS Did Not Disclose On Their Quarterly Lobbying Reports

Brownstein Hyatt Reported It Engaged In No Lobbying Activity At The Interior Department On Behalf Of The Northeast Maglev, LLC In 2017. Per Their Lobbying Filing, They Claim The First Lobbying Luke Johnson Engaged In At The Department Of Interior Was The Third Quarter Of 2018.

- 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]
- Brownstein Hyatt lobbyist and BHFS December 2017 meeting lobbyist Luke Johnson was not added to Brownstein Hyatt's lobbying reports 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]

- In the email exchange with Interior staffers, Holly Noles informed DOI that The Northeast Maglev, LLC representatives had already "met with local, on the ground National Park Service personnel." [[Emails between Holly Noles and Catherine Gulac](#)]

Deputy Secretary David Bernhardt Planned to Meet Former BFHS Colleagues For Dinner At A Conference Organized By A BHFS Attorney

Internal DOI Emails Appear To Show That David Bernhardt Agreed To Appear As The Keynote Speaker At A Law Conference In Yosemite That A Brownstein Hyatt Lawyer Organized.

- On the brochure for the California State Bar's 2017 Environmental Law Conference at Yosemite, David Bernhardt is listed as the keynote speaker on Friday October 20, 2017. He was also listed as a panelist on a program called "Cooperative Federalism and Water Resources under the Trump Administration." On Friday October 20, 2017. [[State Bar of California, 2017 Environmental Law Conference at Yosemite](#), accessed 05/09/19]
- On September 25, 2017, Bernhardt's Executive Assistant Gareth Rees emailed Brownstein Hyatt attorney Ryan Waterman, saying "I do not believe that Deputy Secretary Bernhardt plans to us a PowerPoint but I will triple check that for you. We are still working on his plans while attending the conference but hope to have some more details soon." [[Emails between Ryan Waterman and Gareth Rees, pgs. 64](#), accessed 05/09/19]
- Per his calendar, David Bernhardt appears to be in Washington D.C. during this conference. It is not clear if he joined the conference via video or audio link, and he appears to have been free during a portion of the "Cooperative Federalism and Water Resources under the Trump Administration" panel program. [[State Bar of California, 2017 Environmental Law Conference at Yosemite](#) , accessed 05/09/19 and [David Bernhardt, October 2017 Calenda](#) , accessed 05/09/19]

Roughly A Week Before The Conference Was Slated To Take Place, Bernhardt's Executive Assistant Gareth Rees Tried To Schedule A One-On-One Call With Bernhardt And BHFS Ryan Waterman. It Is Not Clear From These Communications If This Call Took Place, Or Bernhardt's Level Of Participation In The Conference.

- On October 11, 2017, David Bernhardt was scheduled to have a phone conversation with Brownstein Hyatt attorney Ryan Waterman at 2pm. It is not clear if this call took place. Ryan Waterman wrote "we need to know right away whether David has a replacement in mind for his keynote and his place on the Cooperative Federalism and Water Resources under the Trump Administration panel, or whether we need to identify new people to fill those slots," and said he was available for a call "until 3:10 eastern. Then available again after 5 pm eastern." The last message from Gareth Rees, Bernhardt's Executive Assistant, said he had "wheels turning to try and find an appropriate surrogate" for Bernhardt, as inquired about by Waterman. [[Emails between Ryan Waterman and Gareth Rees, pgs. 25-36](#), accessed 05/09/19]

- On September 5, 2017, Brownstein Hyatt attorney Ryan Waterman emailed Bernhardt's Executive Assistant Gareth Rees, saying "I would be happy to set up a call if Dep. Sec. Bernhardt would like to discuss the topic of his keynote address, or if he has particular questions." [[Emails between Ryan Waterman and Gareth Rees, pgs. 92](#), accessed 05/09/19]

The Organizing BFHS Attorney Told Bernhardt That "Several" Of His Former Brownstein Hyatt Were "Interested In Having Dinner" With Him The Night Before His Scheduled Keynote Speech. In September 2017, Brownstein Hyatt attorney Ryan Waterman emailed Bernhardt's Executive Assistant Gareth Rees, saying, "Finally, do you know if Dep. Sec. Bernhardt will be staying over Friday night at the Tenaya Lodge? Several of his former Brownstein colleagues would be interested in having dinner if he is not otherwise occupied. I know that my family will come to dinner, so if his family is coming to the conference as well they would be very welcome." [[Emails between Ryan Waterman and Gareth Rees, pgs. 83](#), accessed 05/09/19]

Acting Solicitor Dan Jorjani Appears To Have Replaced Bernhardt As The Keynote For The Environmental Law Conference, And BFHS Attorneys Were Involved With Helping To Rebook Jorjani's Hotel Room. In October 2017, Ryan Waterman, a Brownstein Hyatt land and water use attorney in San Diego, emailed Bernhardt aide Gareth Rees, about the "Tenaya Lodge room," a lodge in Yosemite. Waterman wrote, "I want to make sure that Asst. Sec. Bernhardt's room is being transferred to Mr. Jorjani's name. The hotel has a waiting list now (no rooms available), so if you release David's room, it's possible Mr. Jorjani will not be able to get a room at the hotel." [Emails between [Ryan Waterman and Gareth Rees, pgs. 37](#), accessed 05/09/19]

- **Waterman later told Rees to "Let us know if you run into a problem and we can interact with the hotel on your behalf" if they had a problem transferring Bernhardt's room to Jorjani.** [[Emails between Ryan Waterman and Gareth Rees, pgs. 43](#), accessed 05/09/19]
- **Waterman later emailed Rees, saying he wanted to "thank" him for his help "transitioning the hotel accommodations to Mr. Jorjani." Rees went on to connect Waterman to Dan Jorjani's aide Marigrace Caminiti.** [[Emails between Ryan Waterman and Gareth Rees, pgs. 25-27](#), accessed 05/09/19]

David Bernhardt's Former Firm Brownstein Hyatt Farber Schreck (BHFS) Is Representing A Firm Seeking A Colorado Mine Expansion

Interior Secretary David Bernhardt's Former Firm Brownstein Hyatt Farber Schreck (BHFS) Is Representing RMR Industrials Regarding A Colorado Mine Expansion. "RMR Industrials has hired Interior Secretary David Bernhardt's former law firm to lobby around the expansion of the quarry near Glenwood Springs. In a recent report to the U.S. Congress, the law firm Brownstein Hyatt Farber Schreck lists RMR as a client as of April 30 to lobby on "Issues related to a potential mine expansion project in Colorado." Bernhardt worked as a lawyer for BHFS before being confirmed as deputy secretary at the Department of the Interior in 2017." [[Post Independent](#), 06/07/19]

- **Interior Claims Bernhardt “Will Not Participate In Any Particular Matter Involving Specific Parties” That Is Being Represented By BHFS.** “A spokesperson for the Interior said Bernhardt ‘will not participate in any particular matter involving specific parties in which his former law firm represents a party. This is clearly stated in his recusal.’ The spokesperson also said Bernhardt has not met with anyone representing RMR or discussed the potential quarry expansion.” [[Post Independent](#), 06/07/19]
- **“The individual lobbyists listed on the disclosure include Jon Hrobsky, who previously was deputy director of the U.S. Minerals Management Services, and prior to that was deputy director in the Department of the Interior.”** [[Post Independent](#), 06/07/19]

“Luke Johnson, a former deputy director of BLM policy and programs, is also listed as a lobbyist for RMR.” [[Post Independent](#), 06/07/19]

Cadiz, Inc.

David Bernhardt is Recused from Working on Particular Matters Involving Cadiz, Inc...

David Bernhardt is 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]

...James Cason, Who Served as Acting Deputy Secretary of the Interior until Bernhardt’s Nomination was Confirmed, Met With Cadiz...

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]

Cason Asked Cadiz Lobbyist BHFS For Additional Information In May 2017. Lawrence Jensen from BHFS responded to an inquiry from Cason on May 4, 2017 on information about the USGS estimate of groundwater recharge in the Fenner Valley. Jensen describes how this was analyzed during the EIR process for the Cadiz Project and how the EIR withstood all legal challenges to its adequacy. Jensen attaches a document prepared by Cadiz that summarizes the concerns about the validity of the USGS estimate and explains the conclusions that were reached in the EIR about the environmental impacts from the groundwater pumping impact proposed by the Cadiz Project. [[May 4, 2017 email from Lawrence Jensen to James Cason](#)]

...Following That Meeting Cadiz Cleared Several Obstacles To A Controversial Project To Pump Mojave Desert Water To Southern Californian Cities, Including Some Related to Topics Discussed With Cason

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]

In December 2018, Interior Stripped Away Protections for the Sage Grouse. “The Trump administration on Thursday detailed its plan to open nine million acres to drilling and mining by stripping away protections for the sage grouse, an imperiled ground-nesting bird that oil companies have long considered an obstacle to some of the richest deposits in the American West....In one stroke, the action would open more land to drilling than any other step the administration has taken, environmental policy experts said. It drew immediate criticism from environmentalists while energy-industry representatives praised the move, saying that the earlier policy represented an overreach of federal authority.” [[The New York Times](#), 12/06/18]

Center for Environmental Science Accuracy and Reliability

David Bernhardt is Recused from Working on Particular Matters Involving the Center for Environmental Science Accuracy and Reliability...

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

- **Bernhardt Was Also Recused from Working on Particular Matters Involving CESAR Until March 24, 2018, Under 5 CFR § 2635.502.** [[Bernhardt Ethics Agreement](#), 8/15/17]

David Bernhardt Served on the Board of the Center for Environmental Science, Accuracy & Reliability (CESAR) from 2014 to 2016. “On Aug. 7, 2012, David Bernhardt went to bat for the American eel.” He “filed a 14-page lawsuit demanding that the Fish and Wildlife Service act on a petition to protect the American eel as a threatened species under the ESA. Bernhardt filed the federal lawsuit on behalf of a California-based organization called the Center for Environmental Science, Accuracy & Reliability, also known as CESAR,” and “he served on the group’s board from 2014 to 2016.” [*Greenwire*, 02/22/19]

- **The Group Was Originally Called the Council for Endangered Species Act Reliability** (also ‘CESAR’). [Michael Doyle and Jeremy P. Jacobs, “Did Bernhardt once try to blow up Endangered Species Act?,” *Greenwire*, 02/22/19]
- **Bernhardt Also Volunteered at CESAR from 2012 to 2017.** [David Bernhardt’s 2018 Executive Branch Personnel Public Financial Disclosure Report]

Two Years Before Joining the CESAR Board Bernhardt Filed a Federal Lawsuit On Behalf Of CESAR “Demanding That the Fish and Wildlife Service...Protect the American Eel As A Threatened Species Under the ESA,” In What Appears To Have Been An Attempt “To Highlight What It Saw As Flaws In” The Act. “On Aug. 7, 2012, David Bernhardt went to bat for the American eel.” He “filed a 14-page lawsuit demanding that the Fish and Wildlife Service act on a petition to protect the American eel as a threatened species under the ESA. Bernhardt filed the federal lawsuit on behalf of a California-based organization called the Center for Environmental Science, Accuracy & Reliability, also known as CESAR,” and “he served on the group’s board from 2014 to 2016.” [*Greenwire*, 02/22/19]

If This Lawsuit Was Successful It May Have Forced Congress To Rewrite ESA. “In the case of the American eel, CESAR appears to have been attempting to highlight what it saw as flaws in the Endangered Species Act. The eel’s habitat extends through most of the eastern United States. If CESAR had been successful, [Center for Biological Diversity Executive Director Kieran “Suckling said, a listing and habitat designation would be so extensive, it would cause the type of crisis that would all but force legislators to rewrite the law.” [*Greenwire*, 02/22/19]

CESAR Also Sued “To Uplift The Delta Smelt From Threatened To Endangered. CESAR also sued “to uplift the delta smelt from threatened to endangered. The minuscule species has long plagued farmers like those at Westlands who want increased deliveries from California’s Sacramento-San Joaquin River Delta.” [*Greenwire*, 02/22/19]

...But Bernhardt’s Secret Calendar Reveals He Met With The CESAR Chairman

Bernhardt’s Secret Calendars Showed He Had A Feb. 27, 2018 Meeting With Jean Sagouspe, Chairman Of The Center For Environmental Science, Accuracy And Reliability, Which

Bernhardt Was “Not Supposed To Consult For At Least A Year After Joining The Department.” “Versions of the daily card for Feb. 27, 2018, shows Bernhardt had a 10:30 a.m. meeting with Jean Sagouspe, chairman of the Center for Environmental Science, Accuracy and Reliability, or CESAR, which is supported by conservative and libertarian groups who oppose many federal environmental regulations. Bernhardt was a director at CESAR, and represented the group in litigation against the Fish and Wildlife Service to enforce protections of the American eel. Environmentalists have said the case was a legal tactic to make the Endangered Species Act unworkable and force lawmakers to rewrite it. Visitor logs show that Sagouspe arrived at Interior at roughly 8:30 a.m. that day. The meeting is not on Bernhardt’s public calendar[...] The ethics agreement lists CESAR, IPAA and NOIA as the organizations with whom he is not supposed to consult for at least a year after joining the department.” [Roll Call, [04/16/19](#)]

Central Arizona Water Conservation District

David Bernhardt is Partially Recused From Working on Particular Matters Involving the Central Arizona Water Conservation District, But Only For Items Where They Are Represented By His Former Employer, BHFS

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

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

Brownstein Hyatt Farber Schreck Currently Lobbies for the Central Arizona Water Conservation District (CAWCD). “A spokesperson at Interior said Bernhardt is recused from matters when the CAWCD is represented by his former firm.” However, he is not “required to recuse himself from Colorado River matters writ large, or other items in which the CAWCD is not represented by BHFS.” [KJZZ, [02/20/19](#)]

- **Brownstein’s contract with CAWCD Expires June 2019.** “CAWCD’s most recent contract extension with the firm for lobbying services, according to records, expires May 31, 2019. The total cost of the extension is capped at \$228,000 for one year of work, not including some expenses.” [KJZZ, [02/20/19](#)]

Bernhardt Has Recused Himself From Some Matters Involving the Central Arizona Water Conservation District (CAWCD). “Back in spring of 2017, Bernhardt was nominated to go to Interior before CAWCD interviewed the firm for a lobbying contract it eventually won.” David “Bernhardt had been part of BHFS’ initial proposal.” An Interior spokesperson “said Bernhardt is recused from matters when the CAWCD is represented by his former firm.” However, he is not “required to recuse himself from...items in which the CAWCD is not represented by BHFS.” [KJZZ, [02/20/19](#)]

- **Bernhardt Was Working On His Firm’s Proposal to CAWCD Before He Was Nominated As Deputy Secretary.** “According to documents obtained through a public-records request, Bernhardt had been part of BHFS’ initial proposal. The CAWCD said he was replaced on that proposal after being nominated as deputy secretary on April 28, 2017. BHFS’ contract with CAWCD began on May 25. Bernhardt was sworn in on Aug. 1.” [KJZZ, [02/20/19](#)]
- **Bernhardt Had Done Work for CAWCD Before.** “BHFS has done legal work in the past for the CAWCD. Bernhardt in particular was named in a 2014 letter regarding fees for environmental compliance work concerning the Navajo Generating Station.” [KJZZ, [02/20/19](#)]

Cobalt International Energy

David Bernhardt is Recused from Working on Particular Matters Involving Cobalt International Energy

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

- **Bernhardt Was Also Recused From Working on Particular Matters Involving Cobalt International Energy until August 1, 2018, Under 5 CFR § 2635.502.** [[Bernhardt Ethics Agreement](#), 8/15/17]

Bernhardt Lobbied for Cobalt International Energy on Multiple Bills to Expand Offshore Oil and Gas Drilling, Including In the Gulf of Mexico After the Deepwater Horizon Oil Spill.

- David Bernhardt lobbied for Cobalt International Energy in 2011 on H.R. 1229, the “Putting the Gulf of Mexico Back to Work Act,” which was a bill to “require the Interior Secretary to issue decisions on permit application for offshore energy production in the Gulf of Mexico within 60 days” and automatically approve permits after 60 days “regardless of whether they met safety and cleanup standards.” [[“Cobalt International Energy 2011 Fourth Quarter Report,”](#) United States Senate Lobbying Disclosure Act Database, accessed 03/08/17, “How They Voted,” *The Huntsville Times*, 05/15/11, and [“GOP Reaffirms Its Energy Plan: Oil Above All,”](#) Center for American Progress Action Fund, 05/11]
- David Bernhardt lobbied for Cobalt International Energy in 2011 and 2012 on H.R. 1230, the “Restarting American Offshore Leasing Now Act,” which would have “reverse[d] the Obama administration’s decision” to postpone oil and natural gas lease sales in the Gulf of Mexico and cancel oil and natural gas lease sales off the Virginia Coast. [[“Cobalt International Energy 2011 Fourth Quarter Report,”](#) United States Senate Lobbying Disclosure Act Database, accessed 03/08/17, [“Cobalt International Energy 2012 Fourth Quarter Report,”](#) United States Senate Lobbying Disclosure Act Database, accessed

03/08/17, and Mark Passwaters, "House passes bill requiring lease sales in Gulf of Mexico, off Va. Coast," *SNL Daily Gas Report*, 05/11/11]

- David Bernhardt lobbied for Cobalt International Energy in 2011 and 2012 on H.R. 1231, the "Reversing President Obama's Offshore Moratorium Act," which was a bill to "require the federal government to lease at least 50 percent of available unleased acreage off the West Coast, Alaska, the Gulf of Mexico and much of the East Coast, every five years." Environmental groups called the legislation the "Law of Eventually Drilling Everything." ["[Cobalt International Energy 2011 Fourth Quarter Report](#)," United States Senate Lobbying Disclosure Act Database, accessed 03/08/17, "[Cobalt International Energy 2012 Fourth Quarter Report](#)," United States Senate Lobbying Disclosure Act Database, accessed 03/08/17, and *Huffington Post*, [05/04/11](#)]

Environmental groups said the bills would "set the stage for environmental disaster" and would "leave oversight of offshore drilling weaker" than it was before the 2010 Deepwater Horizon oil spill. Environmental groups said that H.R. 1229, H.R. 1230, and H.R. 1231 would "set the stage for environmental disaster" and would "leave oversight of offshore drilling weaker than it was before the [2010] oil disaster in the Gulf of Mexico." [*Huffington Post*, [05/04/11](#)]

ENI Petroleum, North America

David Bernhardt is Recused from Working on Particular Matters Involving ENI Petroleum, North America...

David Bernhardt is Recused from Working on Particular Matters Involving ENI Petroleum, North America Until August 3, 2019 Under EO 13770 [[Bernhardt Ethics Agreement](#), 8/15/17]

- Bernhardt Was Also Recused from Working on Particular Matters Involving Eni Petroleum, North America until August 1, 2018, Under 5 CFR § 2635.502 [[Bernhardt Ethics Agreement](#), 8/15/17]

...Bureau of Safety And Environmental Enforcement Director Scott Angelle Met With ENI in Late 2017

On October 3rd, 2017, Bureau of Safety And Environmental Enforcement Director Scott Angelle's Calendar Had An Entry Labeled: "Meeting with ENI @ 3400 Center Point" from 2PM to 3PM. ENI Petroleum describes itself as "one of the global oil and gas super-players". [[Scott Angelle October 2017 Calendar](#), accessed 04/24/19, [Company Profile](#), accessed 04/24/19, [Contacts](#), accessed 04/24/19]

Forest County Potawatomi Community

David Bernhardt was Recused from Working on Particular Matters Involving Forest County Potawatomi Community...

Bernhardt Was Recused from Working on Particular Matters Involving Forest County Potawatomi until March 1, 2018, Under 5 CFR § 2635.502 [[Bernhardt Ethics Agreement](#), 8/15/17]

The Potawatomi Reservation, located primarily in Forest County, Wisconsin, totals 12,000 acres- 9,000 acres are trust land, and 3,000 acres are fee land. [[Forest County Potawatomi Community](#), accessed 05/09/19]

With Brownstein Hyatt Farber Schreck, Bernhardt represented the Forest County Potawatomi Community, challenging DOI's decision to disapprove a 2014 amendment to a gaming compact between the Plaintiff and the State of Wisconsin under the Indian Gaming Regulatory Act. [[Forest County Potawatomi Community v. United States \(D.D.C. 2017\).](#)]

...Associate Deputy Director James Cason Appears To Have Held Several Secretive Meetings With Forest County Potawatomi Community, Which Was Looking To Discuss Their Gaming Compact Agreement.

In October 2018, The Forest County Potawatomi Community Requested A Meeting With James Cason For "Mid To Late November" To "Discuss Their Compact Amendment," With BHFS Lobbyist Ryan Smith. It Is Not Clear If This Meeting Took Place. On October 25, 2018, Aileen Monahan of the Forest County Potawatomi Community requested a meeting with James Cason for "mid to late November" to "discuss their compact amendment." The meeting was supposed to include their attorney Jeff Crawford, Rothstein Donatelli attorney Eric Dahlstrom, Martin Schreiber associate Ken Walsh, and BFHS lobbyist Ryan Smith. [[Emails from Brownstein Communications, page 224-227](#), accessed 05/09/19]

On October 26, 2018, Monahan emailed again, asking Catherine Gulac to "hold on this request for the time being," saying she would contact Gulac "early next week." [[Emails from Brownstein Communications, page 228](#), accessed 05/09/19]

In May 2017, Cason Had Another Meeting With The Forest County Potawatomi Community, Though It Is Not Clear Who Represented The Forest County Potawatomi Community At This Meeting, Or If BHFS Lobbyists Were Present. On May 11, 2017 at 1 pm, James Cason had a meeting with the Forest County Potawatomi Community. From his schedule, it is not clear who represented the Forest County Potawatomi Community, or if BHFS lobbyists were present. [[James Cason Calendar, May 2017](#), accessed 05/09/19]

In January 2018, Cason Discussed Another Meeting Request From The Forest County Potawatomi Community. From These Communications And Cason's Calendar, It Is Not Clear If This Meeting Took Place. On January 30, 2018 at 9 am, James Cason had a calendar event "to discuss a meeting request from the Forest County Potawatomi Indian." It is not clear what this meeting was supposed to be about, or if it took place. [[James Cason Calendar, January 2018](#), accessed 05/09/19]

Garrison Diversion Irrigation District

David Bernhardt was Recused from Working on Particular Matters Involving Garrison Diversion Irrigation District

David Bernhardt Was 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 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 its 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]

Halliburton Energy Services, LLC

David Bernhardt is Recused from Working on Particular Matters Involving Halliburton Energy Services, LLC

David Bernhardt is Recused from Working on Particular Matters Involving Halliburton Energy Services, LLC 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, LLC until July 29, 2018, Under 5 CFR § 2635.502. [[Bernhardt Ethics Agreement](#), 8/15/17]

Bernhardt's Recusal From Halliburton Potentially Complicates His Ability to Respond to an Ongoing Investigation into His Predecessor, Ryan Zinke

Interior Inspector General Reports Into Zinke's Alleged Abuse Of His Official Position Were Delivered To Bernhardt Prior To Their Release To The General Public. One such report found that Zinke had wasted \$25,000 in taxpayer dollars on a family trip to Turkey, took his campaign donors boating, and told his staff to explore giving his wife a volunteer job at Interior to avoid reimbursing taxpayers for her travel. [[Office of the Inspector General U.S. Department of the Interior, Investigative Report of Alleged Abuse of Position by Secretary Zinke](#), web posting date 10/22/18].

- Bernhardt Was Sympathetic Towards Zinke Trying To Bring His Wife Along To Travel In Federal Vehicles--A Clear Violation Of Interior Policy--Saying That The Policy Didn't Necessarily Apply To The Secretary. [[Politico](#), 10/18/18].

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].

Bureau of Safety And Environmental Enforcement Director Scott Angelle Met With Halliburton in Fall 2017

On September 25th, 2017, Bureau of Safety And Environmental Enforcement Director Scott Angelle's Calendar Had An Entry Labeled: "Prep for Haliburton Impact Group (9/27)" from 12PM to 12:30PM. [[Scott Angelle August 2017 Calendar](#), accessed 04/24/19]

Hudbay and Rosemont Copper Mine

David Bernhardt is Recused from Working on Particular Matters Involving Hudbay and Its Subsidiary, Rosemont Copper Mine

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

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

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

- "Rosemont Copper Co. paid about \$1.8 million in lobbying fees from 2011 to 2016 to a Denver law firm, Brownstein Hyatt Farber Schreck, where Bernhardt is a shareholder." [[DC Report](#), 05/07/17]
- **David Bernhardt Consulted and Lobbied the Federal Government On Behalf of Rosemont Copper Co.** From 2011 through 2015 David Bernhardt lobbied the federal government on behalf of Rosemont Copper Co. As of November 2015 he remained "a consultant to Rosemont." [Center for Responsive Politics, Lobbying, Bernhardt, David L, [2011](#), [2012](#), [2013](#) [2014](#), [2015](#), accessed 01/18/17, and *Arizona Daily Star*, 11/25/16]
- **Bernhardt Was Also Recused from Working on Particular Matters Involving Rosemont Copper Company until August 1, 2018, Under 5 CFR § 2635.502** [[Bernhardt Ethics Agreement](#), 8/15/17]

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 Tohono O’odham, Pascua Yaqui And Hopi Tribes Sued Over The Proposed Rosemont Mine. “The proposed Rosemont Mine will ‘irreparably sever’ three Indian tribes’ connection to the Santa Rita Mountains and devastate a rich cultural tradition dating to 7500 B.C., the tribes say in a new lawsuit....The lawsuit against the U.S. Forest Service says the mine would deprive tribal members of access to ancestral praying grounds, destroy a critical part of their heritage including burial grounds and stop members from engaging in important cultural practices and religious traditions....The Tohono O’odham, Pascua Yaqui and Hopi tribes filed the suit Thursday in U.S. District Court, about 10 months after the Forest Service approved the \$1.9 billion mine project.” [Arizona Daily Star, 04/14/18]

David Bernhardt Lobbied For The Mining Company From 2011 Through 2015, Among Numerous Other Lobbying Contracts, And Remains A Consultant To Rosemont. He Was Appointed To The Trump Transition Team Before The Nov. 8 Election. [Arizona Daily Star, 11/24/16]

The Rosemont Copper Mine Is Next to the BLM Las Ciengas National Conservation Area

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]

The Rosemont Copper Mine Has Been A Source of Inter-agency Disputes Within the Interior Department

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]

Independent Petroleum Association of America

David Bernhardt is Recused from Working on Particular Matters Involving the Independent Petroleum Association of America (IPAA)...

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

...But Bernhardt’s Secret Calendar Shows He Met with IPAA Member Cimarex Energy

Bernhardt’s Secret Calendars Showed He Had A May 23, 2018 Meeting With IPAA Member Cimarex Energy, An Association He “Is Not Supposed To Consult For At Least A Year After Joining The Department.” “Another card for May 23, 2018, shows Bernhardt scheduled to meet with Cimarex Energy, a Denver-based natural gas company and member of the Independent Petroleum Association of America, another former client[...] The ethics agreement lists CESAR, IPAA and NOIA as the organizations with whom he is not supposed to consult for at least a year after joining the department.” [[Roll Call](#), [04/16/19](#)]

...Bernhardt May Have Also Appeared at An Event With IPAA Member Chesapeake Energy, Corp....

On October 2nd, 2017, Bernhardt And Chesapeake Energy Corp. Government Relations Representative Sarah Gainer Were Both Scheduled To Participate At An Event At The Department Of Interior. On October 2nd, 2017, Chesapeake Energy Corp. Government Relations Representative Sarah Gainer was scheduled to participate at an event at the Department of Interior titled: “Cut the Red Tape: Liberating America from Bureaucracy.” Deputy Secretary David Bernhardt was also scheduled to attend. [[17 00707cd](#), accessed 06/13/19, [LinkedIn Profile for Sarah Gainer](#), accessed 06/13/19]

...And Assistant Deputy Secretary of the Interior Todd Willens Met With IPAA in Spring 2018...

On April 26, 2018, Assistant Deputy Secretary Of The Interior Todd Willens Had An External Meeting With IPAA. The topics discussed at this meeting were MBTA, Mitigation, and the

proposed removal of blanket 4(d). In addition to IPAA staff, this meeting included an employee of Noble Energy, which is also on Bernhardt's recusal list. [Todd Willens Calendar, [04/26/18](#)]

...And During the 2018/2019 Government Shutdown, Drilling Permits Were Approved For Companies That Sit on the Board of Directors of the Independent Petroleum Association

During the 2018/2019 Government Shutdown, Drilling Permits Were Approved For Companies That Sit on the Board of Directors of the Independent Petroleum 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." [Westwise, [02/04/19](#)]

...And IPAA's President Was Nominated to Serve on the Interior Department's Royalty Policy Committee

Rory McMinn, A Director Of IPAA, Was Nominated For The Royalty Policy Committee (RPC). [DocumentCloud, 17 01162ce, pg. 295, accessed [06/21/19](#)]

National Ocean Industry Association

David Bernhardt is Recused from Working on Particular Matters Involving the National Ocean Industry Association (NOIA)...

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

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

Bernhardt Represented the National Ocean Industries Association To Defend New Offshore Oil and Gas Leases Following the Deepwater Horizon Spill. "Bernhardt represented the National Ocean Industries Association, which represents the offshore oil and gas industry, in a lawsuit against the Bureau of Ocean and Energy Management and oil and gas interests over the issuance of new offshore leases in the immediate aftermath and vicinity of the BP Deepwater Horizon disaster." [Sierra Club, [05/01/17](#)]

...But Bernhardt's Secret Calendar Shows That He Met With NOIA Member, Shell Oil...

Bernhardt's Secret Calendars Showed He Had A May 30, 2018 Meeting With NOIA Member Shell, An Association He "Is Not Supposed To Consult For At Least A Year After Joining The Department." "And on May 30 he was scheduled to meet with Rick Tallant, vice president of

product for Shell Oil, a member of the National Ocean Industries Association, also a former client. The ethics agreement lists CESAR, IPAA and NOIA as the organizations with whom he is not supposed to consult for at least a year after joining the department." [Roll Call, [04/16/19](#)]

...And Both Assistant Secretary Of The Interior For Insular Affairs Doug Domenech and Bureau of Safety And Environmental Enforcement Director Scott Angelle Have Met With NOIA During Bernhardt's Tenure at Interior

On April 5th, 2017, Assistant Secretary Of The Interior For Insular Affairs Doug Domenech Was Scheduled To Have A Meeting With NOIA Board/Executive Leaders from 11AM-11:45AM. It is unclear which leaders NOIA met with Domenech. [[Doug Domenech April 2017 Calendar](#), accessed 04/23/19, [About NOIA](#), accessed 04/24/19]

On July 6th, 2017, Bureau of Safety And Environmental Enforcement Director Scott Angelle's Calendar Had An Entry Labeled: "Prepare for NOIA Talk, 7/14 @2413" From 11:30AM To 12:30PM. NOIA could be the National Ocean Industries Association. Interior Secretary David Bernhardt is recused from them. [[Scott Angelle July 2017 Calendar](#), accessed 04/24/19, [About NOIA](#), accessed 04/24/19]

On July 12th, 2017, Bureau of Safety And Environmental Enforcement Director Scott Angelle's Calendar Had An Entry Labeled: "Prep for NOIA Legislative Group remarks" From 2PM To 3PM. NOIA could be the National Ocean Industries Association. Interior Secretary David Bernhardt is recused from them. [[Scott Angelle July 2017 Calendar](#), accessed 04/24/19, [About NOIA](#), accessed 04/24/19]

...And NOIA's President Was Appointed to the Interior Department's Royalty Policy Committee

Randal Luthi, Who Was President Of NOIA, Was A Primary Member of the Royalty Policy Committee. [DocumentCloud, 17 01162ce, pgs. 275-6, accessed [06/21/19](#)]

Noble Energy Company, LLC

David Bernhardt is Recused from Working on Particular Matters Involving Noble Energy Company, LLC

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]

...Assistant Deputy Secretary of the Interior Todd Willens Met with Noble Energy in Spring 2018

On April 26, 2018, Assistant Deputy Secretary of the Interior Todd Willens met a representative of Noble Energy. The topics discussed at this meeting were MBTA, Mitigation, and the proposed removal of blanket 4(d). [Todd Willens Calendar, [04/26/18](#)]

Statoil

David Bernhardt is Recused from Working on Particular Matters Involving Two Entities Affiliated with Statoil...

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

- Bernhardt Was Also Recused from Working on Particular Matters Involving Statoil Gulf Services, LLC until August 1, 2018, Under 5 CFR § 2635.502. [[Bernhardt Ethics Agreement](#), 8/15/17]

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

- Bernhardt Was Also Recused from Working on Particular Matters Involving Statoil Wind LLC Energy until August 1, 2018, Under 5 CFR § 2635.502. [[Bernhardt Ethics Agreement](#), 8/15/17]

...But He Met With Massachusetts Governor Charlie Baker to Discuss A Commercial-Scale Offshore Wind Development

Secretary Bernhardt And Gov. Baker Met To Discuss DOI And BOEM Approvals For A Vineyard Wind Project Off The Coast Of Martha's Vineyard. "After a 'really productive and substantive' meeting with new U.S. Interior Secretary David Bernhardt in Washington, D.C., on Monday, Gov. Charlie Baker said his administration will be working with Vineyard Wind to address the federal government's concerns with the project in line to be the nation's first commercial-scale offshore wind development. The federal government injected a level of uncertainty into Vineyard Wind, a \$2.8 billion, 800-megawatt offshore wind project planned for the waters off Martha's Vineyard, earlier this month when the Department of the Interior and the Bureau of Ocean Energy Management notified project officials that the government was 'not yet prepared' to issue a final environmental impact statement, which had been expected this month." [[SouthCoastToday](#), [7/29/19](#)]

...Bureau of Safety And Environmental Enforcement Director Scott Angelle Met With Statoil in Fall 2017

On October 10th, 2017, Bureau of Safety And Environmental Enforcement Director Scott Angelle's Calendar Had An Entry Labeled: "Prep for Mtg with Statoil CEO -Eldar Saetre (later [Entry appears cut off]" from 9:30AM to 10AM. [[Scott Angelle October 2017 Calendar](#), accessed 04/24/19]

Targa Resources Company, LLC

David Bernhardt is Recused from Working on Particular Matters Involving Targa Resources Company, LLC...

David Bernhardt is Recused from Working on Particular Matters Involving Targa Resources 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 Targa Resources Company, LLC until August 1, 2018, Under 5 CFR § 2635.502.** [[Bernhardt Ethics Agreement](#), 8/15/17]

David Bernhardt Did Legal Work for Targa Resources Corporation. [David Bernhardt's 2017 Executive Branch Personnel Public Financial Disclosure Report]

Targa Resources Corporation Is A Natural Gas Company. "The company engages in gathering, compressing, treating, processing, transporting, and selling natural gas; storing, fractionating, treating, transporting, and selling natural gas liquids (NGL) and NGL products, including services to liquefied petroleum gas exporters; gathering, storing, terminaling, and selling crude oil; and storing, terminaling, and selling refined petroleum products. It is also involved in the purchase and resale of NGL products; and wholesale of propane, as well as provision of related logistics services to multi-state retailers, independent retailers, and other end-users." "It operates approximately 28,500 miles of natural gas pipelines, including 42 owned and operated processing plants; and owns or operates a total of 34 storage wells with a gross storage capacity of approximately 71 million barrels." [[Bloomberg](#), accessed 03/01/19]

Targa Resources Is Regulated By the Department of Interior. "Various federal agencies within the U.S. Department of the Interior, particularly the federal Bureau of Land Management ('BLM'), Office of Natural Resources Revenue (formerly the Minerals Management Service) and the Bureau of Indian Affairs...promulgate and enforce regulations pertaining to operations" of Targa Resources. ["[2018 Annual Report Form 10-K](#)," Targa Resources Corp., For the Fiscal Year Ended 12/31/18]

- **Versado Is a Targa Subsidiary Also Regulated By the Interior Department.** "Versado Gas Processors LLC (Versado), a subsidiary of Targa Resources, submitted a Standard Form 299 (SF-299) Application for Transportation and Utility Systems and Facilities on Federal Lands to the Bureau of Land Management (BLM) Carlsbad Field Office (CFO) for the proposed Hamon South and Fasken Lateral Pipeline Project (Proposed Action, or project) in Lea County, New Mexico, for the purpose of constructing and installing a 16-inch-diameter poly natural gas pipeline in order to connect the Hamon South and Fasken Lateral pipeline into an existing gathering system, also operated by Versado." "The proposed 2.8-mile-long project is on BLM lands (11,249.0 feet) and private lands (3,388.7 feet). The BLM CFO would serve as the lead federal agency for the undertaking." ["[Environmental Assessment DOI-BLM-NM-P020-2018-0571-EA IT4RM EA-2018](#)," Bureau of Land Management, 05/18]

...James Cason, Who Served as Acting Deputy Secretary of the Interior until Bernhardt's Nomination was Confirmed, Met With Targa Resources

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]

Cason's Task List From February To March Of 2017 Included One Task Related Directly To Targa Resources). March 13: "At meeting with Targa Resources, asked Mike to look around BIA to find realty resources they could potentially move around to help alleviate the situation facing Targa (addendum: asked to look for affordable housing in the area)" [[Cason Task List](#), accessed 05/08/19]

Taylor Energy Company, LLC

David Bernhardt is Recused from Working on Particular Matters Involving Taylor Energy Company, LLC...

David Bernhardt is Recused from Working on Particular Matters Involving Taylor 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 Taylor Energy Company, LLC until July 29, 2018, Under 5 CFR § 2635.502** [[Bernhardt Ethics Agreement](#), 8/15/17]

Taylor Energy Co. Is Responsible For a Chronic Oil Leak in the Gulf of Mexico. "[Bernhardt] and his firm also have represented Taylor Energy Co., a New Orleans company that has spent years combating a chronic oil leak in the Gulf of Mexico." [[The Salt Lake Tribune](#), 05/18/17]

- **The Oil Leak Has Been Going On For 15 Years** "Between 300 and 700 barrels of oil per day have been spewing from a site 12 miles off the Louisiana coast since 2004, when an oil-production platform owned by Taylor Energy sank in a mudslide triggered by Hurricane Ivan. Many of the wells have not been capped, and federal officials estimate that the spill could continue through this century. With no fix in sight, the Taylor offshore spill is threatening to overtake BP's Deepwater Horizon disaster as the largest ever." [[The Washington Post](#), 10/21/18]
- **The Taylor Leak In The Gulf of Mexico Is "The Longest Continuous Oil Spill In American history."** [[CBS Evening News](#), 03/15/19]

...Throughout 2017, Bureau of Safety And Environmental Enforcement Director Scott Angelle Held A Number of Meetings With, And About, Taylor Energy

On June 1st, 2017, Bureau of Safety And Environmental Enforcement Director Scott Angelle's Calendar Had An Entry Labeled: "GOM -Taylor Energy Meeting" from 10AM to 11AM. It is unknown if was in the meeting. "GOM" may stand for Gulf of Mexico. [[Scott Angelle June 2017 Calendar](#), accessed 04/24/19, [Office of Environment](#), accessed 04/24/19]

On June 16th, 2017, Bureau of Safety And Environmental Enforcement Director Scott Angelle's Calendar Had An Entry Labeled: "Taylor Energy Update" from 11AM to 12PM. It is unknown if anyone else attended. [[Scott Angelle June 2017 Calendar](#), accessed 04/24/19]

On June 22nd, 2017, Bureau of Safety And Environmental Enforcement Director Scott Angelle's Calendar Had An Entry Labeled: "Scott Angelle-Jim Cason re: Taylor Energy" from 8:30AM to 9:30AM. It is unknown if anyone else attended or if anyone else was in the meeting. [[Scott Angelle June 2017 Calendar](#), accessed 04/24/19]

On July 18th, 2017, Bureau of Safety And Environmental Enforcement Director Scott Angelle's Calendar Had An Entry Labeled: "Internal Mtg: Taylor Energy Update: (redacted with b5)" from 2PM to 2:30PM. [[Scott Angelle July 2017 Calendar](#), accessed 04/24/19]

On August 3rd, 2017, Bureau of Safety And Environmental Enforcement Director Scott Angelle's Calendar Had An Entry Labeled: "Taylor Update -Internal @5056" from 9AM to 9:30AM. [[Scott Angelle August 2017 Calendar](#), accessed 04/24/19]

On September 26th, 2017, Bureau of Safety And Environmental Enforcement Director Scott Angelle's Calendar Had An Entry Labeled: "Taylor Update w/ Taylor Representatives" from 9AM to 11:30AM. [[Scott Angelle September 2017 Calendar](#), accessed 04/24/19]

On October 18th, 2017, Bureau of Safety And Environmental Enforcement Director Scott Angelle's Calendar Had An Entry Labeled: "Taylor Discussion" from 4:30PM to 5:30PM. It is unclear if this is referring to Taylor Energy, from which Interior [[Scott Angelle October 2017 Calendar](#), accessed 04/24/19, [David Bernhardt Ethics Recusal Letter](#), 08/15/17]

On November 13th, 2017, Bureau of Safety And Environmental Enforcement Director Scott Angelle's Calendar Had An Entry Labeled: "Meeting on Taylor Energy @ Room 6120" from 9AM to 10AM. [[Scott Angelle November 2017 Calendar](#), accessed 04/24/19]

On December 4th, 2017, Bureau of Safety And Environmental Enforcement Director Scott Angelle's Calendar Had An Entry Labeled: "Prep for Taylor Internal Mtg: [Redacted with bf5] at 5412" from 12PM to 1PM. [[Scott Angelle December 2017 Calendar](#), accessed 04/24/19]

On December 4th, 2017, Bureau of Safety And Environmental Enforcement Director Scott Angelle's Calendar Had An Entry Labeled: "Internal Taylor Internal Mtg(12/6) @ 5056 " from 1PM to 2PM. [[Scott Angelle December 2017 Calendar](#), accessed 04/24/19]

On January 24th, 2017, Bureau of Safety And Environmental Enforcement Director Scott Angelle's Calendar Had An Entry Labeled: "Taylor Energy (misc topics@5411" from 9:30AM to 11AM. [[Scott Angelle January 2018 Calendar](#), accessed 04/24/19]

On January 29th, 2017, Bureau of Safety And Environmental Enforcement Director Scott Angelle's Calendar Had An Entry Labeled: "Prep - MC20 Rrf to ASLM" from 4:30PM to 5:15PM. It is unclear if "MC20" refers to the Taylor Energy platform that collapsed and sank in a mudslide. [[Scott Angelle January 2018 Calendar](#), accessed 04/25/19, [Taylor Energy](#), accessed 04/25/19]

On January 29th, 2017, Bureau of Safety And Environmental Enforcement Director Scott Angelle's Calendar Had An Entry Labeled: "Taylor Source Control" from 4:30PM to 5:15PM. It is unclear if "Taylor" refers to Taylor Energy. [[Scott Angelle January 2018 Calendar](#), accessed 04/24/19]

...And In December 2017 & January 2018, Associate Deputy Secretary James Cason Held A Series Of Questionable And Secretive Meetings With A BHFS Shareholder That Appear To Have Been On Behalf Of Taylor Energy

December 1, 2017 At 1:30 PM: James Cason Had A Phone Call With Unidentified BHFS Individuals Regarding Former David Bernhardt Client Taylor Energy. On December 1, 2017, James Cason had a phone conversation regarding former David Bernhardt client Taylor Energy with unidentified BHFS individuals. It is not immediately clear what this call was specifically about, or why it took place. [[Emails from Holly Noles](#), 12/01/17]

December 11, 2017 At 6 PM: Just Hours After BFHS Shareholder Larry Jensen Requests An "Urgent" Need For A Meeting, They Schedule A Phone Call Between James Cason And Jensen.

- On December 11, 2017 at 11:56 AM, BHFS Executive Assistant Holly Noles emailed Catherine Gulac, saying "I need to see if there is any way that we could possibly move up Thursday's 1:30PM phone call as Larry just let me know that this is urgent. Larry can also hop on a plane tonight and meet Mr. Cason in the morning for breakfast if he is free." Gulac wrote back, "Mr. Cason can call him at 6:00pm this afternoon." [[Emails from Brownstein Communications, page 391](#)], accessed 05/08/19]
- On December 11, 2017 at 6 PM, James Cason was scheduled to have a phone conversation with BFHS shareholder Larry Jensen. It is not clear from email communications or Cason's calendars the subject of this conversation. [[Emails from Brownstein Communications, page 380](#), accessed 05/08/19 and [Jim Cason Calendar, December 2017](#), accessed 05/09/19]

January 5, 2018 At 1 PM: James Cason Holds An In-Person Meeting With Acting Solicitor Dan Jorjani And BFHS Shareholder Larry Jensen. On January 5, 2018 at 1 pm, James Cason and Acting Solicitor Dan Jorjani had a meeting with Larry Jensen. Cason's calendar does not specify the subject of the meeting, nor note that Acting Solicitor Jorjani was involved. [[Emails](#)

[from Brownstein Communications, pages 325-327](#), accessed 05/08/19] and [Jim Cason Calendar, January 2018](#), accessed 05/08/19]

January 8, 2018 At 4:15 PM: Phone Call Between James Cason And BFHS Shareholder Larry Jensen. On January 8, 2018 at 4:15 pm, James Cason had a phone call with BFHS shareholder Larry Jensen. It is not clear from email communications or Cason's calendars the subject of this conversation. [[Emails from Brownstein Communications, page 297](#), accessed 05/08/19 and [Jim Cason Calendar, January 2018](#), accessed 05/08/19]

January 11, 2018: An Unlisted Nighttime Phone Call Between James Cason And BFHS Shareholder Larry Jensen, Where Cason Requested The Contact Information For The Captain Of The Port Of New Orleans. On January 12, 2018, BHFS Executive Assistant Holly Noles emailed Catherine Gulac, saying "Mr. Cason has requested the attached contact information from Larry Jensen based on their call last night. Can you please pass it along? Thank you." Nowhere on Cason's January 11, 2018 calendar are any phone calls listed, nor any contact with Larry Jensen. [[Emails from Brownstein Communications, page 378](#), accessed 05/08/19 and [Jim Cason Calendar, January 2018](#), accessed 05/08/19]

January 21, 2018 At 5 PM: Phone Call Between James Cason And BFHS Shareholder Larry Jensen. On January 21, 2018 at 5 pm, James Cason had a phone call with BFHS shareholder Larry Jensen. It is not clear from email communications or Cason's calendars the subject of this conversation. [[Emails from Brownstein Communications, page 254-257](#), accessed 05/08/19 and [Jim Cason Calendar, January 2018](#), accessed 05/08/19]

January 22, 2018: BHFS Email Asking James Cason To Talk With Larry Jensen About Taylor Energy. On January 22, 2018, BHFS Executive Assistant Holly Noles emailed Gareth Rees, saying "Thanks for taking my call, Gareth. Larry Jensen needs to touch base with Mr. Cason today regarding Taylor if possible. We can be available at his convenience including after hours. [[Emails from Brownstein Communications, page 259](#), accessed 05/08/19 and [Jim Cason Calendar, January 2018](#), accessed 05/08/19]

January 25, 2018: BHFS Emailed Asking To Talk To James Cason About Unknown Subject. On January 25, 2018, BHFS Assistant Holly Noles emailed Catherine Gulac, saying "Is there a time today when Larry can speak to Jim?" It is not clear from email communications or Cason's calendars if this conversation took place, or what the intended subject was. [[Emails from Brownstein Communications, page 258](#), accessed 05/08/19 and [Jim Cason Calendar, January 2018](#), accessed 05/08/19]

January 29, 2018: BHFS Emailed Asking To Talk To James Cason About Unknown Subject. On January 29, 2018, BHFS Assistant Holly Noles emailed Catherine Gulac, saying "I am following up on a phone call between Mr. Cason and Larry Jensen. We have a client call today at 2PM EST and wanted to see if the two of them could connect before then. If not, it would be great to get something on the books for this afternoon or tomorrow." Gulac responded that she "probably won't see Jim until lunch time, at which time I'll check if he has time for a call with Larry Jensen. He is holed up all this morning working on the budget." [[Emails from Brownstein Communications, page 251-252](#), accessed 05/08/19]

U.S. Oil and Gas Association

David Bernhardt is Recused from Working on Particular Matters Involving the U.S. Oil and Gas Association...

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

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]

...And the President of the U.S. Oil and Gas Association Was Appointed to the Interior Department's Royalty Policy Committee

Albert Modiano, Who Was An Alternate In The Royalty Policy Committee (RPC), Was Also The President Of The US Oil And Gas Association. [DocumentCloud, 17 01162ce, pg.1, accessed [06/21/19](#)]

Westlands Water District

David Bernhardt Was Recused from Working on Particular Matters Involving 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 2014, David Bernhardt Went To Court To Argue On Behalf Of The Westlands Water District Against A Biological Opinion Aimed At Protecting Endangered

Salmonids. In a 2014 case, David Bernhardt went to court to argue on behalf of the Westlands Water District, one of the plaintiffs challenging a 2009 Biological Opinion issued by the National Marine Fisheries Service (NMFS), determined that the Bureau of Reclamation's proposed project to store and deliver water to agricultural and domestic consumers in California would jeopardize some of the Delta Mendota Canal's endangered Salmonids, and required Reclamation to change the way it pumps waters out of the California Central Valley's rivers. He argued it violated portions of the ESA and APA, and yet the Ninth Circuit Court upheld the opinion. [San Luis & Delta-Mendota Water Authority v. Locke (9th Cir. 2014).]

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](#)]

Todd Willens, Who Bernhardt Promoted As His Acting Chief Of Staff, Also Met With David Murillo, "To Discuss CA Water." Acting Chief of Staff Todd Willens met with David Murillo on September 27, 2017 "to discuss CA water." On January 2, 2019, Bernhardt named Todd Willens Acting Chief of Staff. [Todd Willens Calendar, [09/27/17](#) and Department of the Interior, [05/17/19](#)]

Willens Also Met With Westlands Attorney Shelley Ostrowski In November 2017, To Discuss "A Short List Of Issues" Important To Westlands. On November 17, 2017, Todd Willens met with Jennifer Walsh, the director of public affairs for Foley & Lardner LLP to discuss "a short list of issues" related to Westlands. Walsh wrote to Willens in an email, "Todd! Hi there. So glad to hear you are over at DOI. I have not yet learned where Jessica landed but I hope she's somewhere in the Administration, too. I am sure it's crazy and that you're still settling in, but I am hoping you can find time, maybe next month, for lunch/drinks/dinner with Cardoza and me. I'd also like to include Shelley Ostrowski, who is an attorney with Westlands Water District and recently located to D.C. to become more plugged into the day to day here. She is brilliant and I am helping her ramp up her contacts in the Administration. Of course, Dennis and I want to offer you our support as well. Let me know what works on your end, or feel free to send me to your assistant to find a date. I look forward to seeing you soon! Jen Yes, Dennis and Shelley will be with me. Dennis is my colleague at Foley and Todd knows him well. Shelley is with Westlands' Water District in CA. Primarily a catch up but I am sure we will have a short list of issues to discuss. I will get any issues to you the week prior if that's ok." [Todd Willens Calendar, [11/17/17](#)]

Just Two Weeks After Bernhardt's Westlands Recusal Ended, Bernhardt Was Tasked With Drafting A New Plan For Managing Westlands' Federal And State Water Supplies. "On August 17, 2018, two weeks after Bernhardt's recusal over Westlands Water District expired,

former Interior Secretary Zinke tasked him with drafting a new plan for managing federal and state water supplies there.” [Washington Post, [11/19/18](#)]

Since David Bernhardt Rejoined Interior, Many of His Former Lobbying and Legal Clients Have Received Favorable Treatment

During Bernhardt’s Tenure as Deputy Interior Secretary, the Agency Completed or Moved Forward With at Least 25 Policy Actions That Were Requested or Supported By At Least 16 of His Former Clients

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](#)]

Cadiz, Inc.

Former Bernhardt Client Cadiz, Inc. Cleared Obstacles To A Controversial Project To Pump Mojave Desert Water To Southern Californian Cities

David Bernhardt is 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]

Bernhardt’s Former Firm Brownstein Hyatt Has Received \$2.75 Million In Lobbying Fees from Cadiz. “Since 2010, Brownstein Hyatt has collected \$2.75 million in lobbying fees from Cadiz Inc., a private company that wants to build a water pipeline on a railroad right-of-way that crosses federal land managed by an Interior agency. Bernhardt has done legal work for Cadiz and one of his colleagues is the chief executive of Cadiz, which has paid the law firm partly with stock shares.” [[Los Angeles Times](#), 05/17/17]

- Scott Slater, who is a shareholder at BHFS and Bernhardt’s former colleague, is also the CEO of Cadiz Inc. [[Scott S. Slater](#), accessed 05/08/19]
- BHFS lobbied Interior on behalf of Cadiz in 2017 on “authorization language.” [[Brownstein Hyatt Q3 2017 Lobbying Form](#)]
- BHFS stands to earn 200,000 shares of Cadiz stock if the water pipeline project is completed, in addition to the 200,000 shares it has already earned. [[Los Angeles Times](#), 05/17/17]

When the Cadiz Water Pumping Project Was Listed By The National Governors Association As a Trump Transition Project, Its Stock Rose. “With the change of administration, a new day is dawning. In December, the National Governors Association circulated a preliminary list of infrastructure projects provided by the Trump transition team, and Cadiz’s was on the list. The company’s stock price rose on that news, part of a trend that has seen Cadiz’s valuation more than double – to roughly \$14 a share – since the election.” [[McClatchy](#), 02/08/17]

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]

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]

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 December 2018, Interior Stripped Away Protections for the Sage Grouse. “The Trump administration on Thursday detailed its plan to open nine million acres to drilling and mining by stripping away protections for the sage grouse, an imperiled ground-nesting bird that oil companies have long considered an obstacle to some of the richest deposits in the American West [...] In one stroke, the action would open more land to drilling than any other step the administration has taken, environmental policy experts said. It drew immediate criticism from environmentalists while energy-industry representatives praised the move, saying that the earlier policy represented an overreach of federal authority.” [[The New York Times](#), 12/06/18]

ENI Petroleum, North America

Eni Petroleum, a Former Bernhardt Client, Received Approval to Drill in the Arctic

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

- Bernhardt Was Also Recused from Working on Particular Matters Involving Eni Petroleum, North America 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]

In November 2017, the Bureau of Safety and Environmental Enforcement approved Eni’s application to drill in the Arctic, making Eni the first company to get approval for drilling in federal Arctic waters since 2015. [[Reuters](#), 11/28/17]

In December 2017, Interior spokesperson Heather Swift boasted to an *Anchorage Daily News* reporter that Bureau of Safety and Environmental Enforcement (BSEE) employees were working through Christmas to approve an application by Eni Petroleum to drill in the Arctic. Swift said that the well “could raise millions,” adding, “Wouldn’t that be a nice Christmas present!?!?” [Email correspondence between Heather Swift and Nathaniel Herz, [12/24/17](#)]

Garrison Diversion Water Conservancy District

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.

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]

Once Confirmed As Deputy Secretary, Bernhardt Was 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 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]

A Month After Bernhardt Was Nominated To Be Deputy Secretary His Former Lobbying Firm Brownstein Hyatt Farber Schreck Registered Garrison As A Client. [Senate Lobbying Disclosure Database, [05/31/17](#)]

- On April 17, 2017, Brownstein Hyatt Farber Schreck Registered As Gdcd's Lobbyist To Lobby On "Issues Related To Water Delivery In North Dakota." [[United States Senate Lobbying Disclosure Act Database](#)]

Westlands Water District

Westlands Water District, A Former Bernhardt Client, Benefitted From A Bureau of Reclamation Decision Weakening Protections for the Delta Smelt and Winter-Run Chinook Salmon. Bernhardt Personally Instructed The Bureau to Issue the Decision

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 2014, David Bernhardt Went To Court To Argue On Behalf Of The Westlands Water District Against A Biological Opinion Aimed At Protecting Endangered Salmonids. In a 2014 case, David Bernhardt went to court to argue on behalf of the Westlands Water District, one of the plaintiffs challenging a 2009 Biological Opinion issued by the National Marine Fisheries Service (NMFS), determined that the Bureau of Reclamation's proposed project to store and deliver water to agricultural and domestic consumers in California would jeopardize some of the Delta Mendota Canal's endangered Salmonids, and required Reclamation to change the way it pumps waters out of the California Central Valley's rivers. He argued it violated portions of the ESA and APA, and yet the Ninth Circuit Court upheld the opinion. [San Luis & Delta-Mendota Water Authority v. Locke (9th Cir. 2014).]

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](#)]

Shutdown Drilling Permits

During the 2018/19 Government Shutdown, Interior Approved 73 Drilling Permits for Companies That Sit on the Boards of Three Major Trade Associations--NOIA, IPAA, and USOGA--All Three Are Former Bernhardt Clients

David Bernhardt Is Recused From Working On Particular Matters Involving The National Ocean Industry Association (NOIA) Until August 3, 2019 Under EO 13770. [[Bernhardt Ethics Agreement](#), 08/15/17]

- Bernhardt Was Also Recused From Working On Particular Matters Involving The National Ocean Industry Association (NOIA) Until July 29, 2018, Under 5 CFR § 2635.502. [[Bernhardt Ethics Agreement](#), 08/15/17]

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]

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

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 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]

Noble Energy

Noble Energy, a Former Bernhardt Client, Asked Interior To Extend Time Limits for Submitting Safety Documents from 60 Days to 90 Days. The Final Rule Issued By Interior in 2018 Included the Extension

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]

Independent Petroleum Association of America

The Independent Petroleum Association of America (IPAA), a Former Bernhardt Client, Asked Interior To Reinstate Categorical Exemptions to the National Environmental Policy Act (NEPA) and Bernhardt Issued A Memo Stating Exclusions Should Be "Fully and Properly" Considered Before NEPA Reviews

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

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 Independent Petroleum Association of America (IPAA), a Former Bernhardt Client, Thanked Him For His Work Weakening Protections for Sage Grouse Habitat

David Bernhardt is Recused from Working on Particular Matters Involving IPAA 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]

David Bernhardt Held A Sage Grouse Meeting On August 3rd, 2017. [Michael Doyle, "[Bernhardt's schedules reveal his wide-ranging portfolio,](#)" *E&E*, 12/21/17]

Bernhardt Held A Meeting On Sage Grouse On September 1, 2017. [[David Bernhardt's Calendar](#), 09/01/17]

Bernhardt Held A Meeting On Sage Grouse On October 23, 2017. [[David Bernhardt's Calendar](#), 10/23/17]

Assistant Deputy Secretary Todd Willens's Calendar Suggests That David Bernhardt Actually Recused Himself From One Meeting On Sage Grouse. Senator Barrasso requested that a "high level WY group coming to DC on the sage grouse issue" meet with David Bernhardt, but because Bernhardt recused, the delegation met instead with Todd Willens. [Todd Willens Calendar, [12/14/17](#)]

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]

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]

Safari Club International

Safari Club International, a Former Bernhardt Client, Also Publicly Supported Efforts to Revisit Sage Grouse Protections

Bernhardt Provided The Safari Club International Foundation With "Legal Services." [[David Bernhardt OGE 278](#), accessed via ProPublica, 04/19/18]

In June 2017, Safari Club International Released A Statement Saying They Supported Secretary Zinke's Order Establishing The Sage Grouse Review Team. "Safari Club International supports the Secretarial Order signed by Department of the Interior Secretary Ryan Zinke to improve sage grouse conservation and strengthen consultation between the federal government and the western states of Oregon, Washington, California, Nevada, Idaho, Utah, Montana, North Dakota, South Dakota, Wyoming, and Colorado." [[Safari Club International Press Release](#), 06/12/17, via the Wayback Machine, accessed 05/09/19]

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ConocoPhillips

ConocoPhillips, a Member of the US Oil and Gas Association, a Former Bernhardt Client, Also Sought to Influence the Sage Grouse Plan

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]

Assistant Deputy Secretary Todd Willens Had A Meeting With ConocoPhillips In October 2017. The meeting description includes an email from ConocoPhillips that explains that the company was requesting a meeting with the DOI Sage Grouse Task Force Team so they could "contribute toward the stakeholder prospect my providing our perspective..." [Todd Willens Calendar, [10/06/17](#)]

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Samson Resources

Samson Resources, a Former Bernhardt Client, Has a Long History of Operating on Federal Lands With Significant Sage Grouse Habitat

David Bernhardt Lobbied On Behalf of Samson Resources, Co. David Bernhardt, in 2012 and 2013, lobbied the federal government on behalf of Samson Resources Co., which is an oil and gas company with operations “primarily in the Rocky Mountain, Mid-Continent, and East Texas regions.” [Center for Responsive Politics, Lobbying, Bernhardt, David L, 2012, 2013, accessed 01/18/17; [Bloomberg](#), accessed 01/18/17]

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]

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]

Jeremy Norton, An Employee At Samson Resources From 2009-2015, Was Nominated For The Royalty Policy Committee (RPC). [DocumentCloud, 17 01162ce, pgs. 167-69, accessed [06/21/19](#)]

Ur-Energy

Ur-Energy, a Former Bernhardt Client, Has Operations Within a Sage Grouse Core Area

David Bernhardt Represented Ur-Energy USA Inc. from 2009 to 2012. [U.S. Senate Committee on Energy and Natural Resources Statement by David Bernhardt Pertaining to His 2017 Nomination To Be Deputy Secretary]

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]

The Department of the Interior Declared Uranium A Critical Mineral

David Bernhardt Represented Ur-Energy USA Inc. from 2009 to 2012. [U.S. Senate Committee on Energy and Natural Resources Statement by David Bernhardt Pertaining to His 2017 Nomination To Be Deputy Secretary]

“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]

Brownstein Hyatt Farber Schreck

Brownstein Hyatt Farber Schreck (BHFS), Bernhardt’s Former Lobbying Firm, Represented Special Interest Groups Seeking to Weaken Protections for Sage Grouse

David Bernhardt Is Recused From Working On Particular Matters Involving BHFS-E PC 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](#)]

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

- **Bernhardt Was Also Recused from Working On Particular Matters Involving Brownstein Hyatt Farber and Schreck, LLP 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 SandRidge Energy, 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]

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]

American West Potash

David Bernhardt Represented American West Potash until 2014; In 2018, the Department of the Interior Declared Potash A Critical Mineral

David Bernhardt Represented American West Potash, Which Is A Subsidiary Of Prospect Global Resources, From 2012 To 2014. [[U.S. Senate Committee on Energy and Natural Resources Statement by David Bernhardt](#) , 05/11/17]

Chad Brownstein, The Son Of BHFS Principal Norman Brownstein, Was A Co-founder And Vice President Of The Board For Prospect Global. [[Bloomberg](#), accessed 3/13/19]

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]