



Analysis of Sec. Bernhardt's Communications with The Westlands Water District

The following analysis highlights the coordination between Interior Secretary Bernhardt and his former lobbying client, the Westlands Water District -- a group he was supposed to be recused from working and communicating with in accordance with his [ethics pledge](#). The documents, in part, show that Secretary Bernhardt continued to engage on behalf of his former client, potentially in violation of President Trump's [ethics order](#).

From The Time He Joined The Trump Transition Team In Fall 2016, Interior Secretary David Bernhardt Maintained Close, Regular Contact With His Former Lobbying Client The Westlands Water District

David Bernhardt Continued Having Regular Contact With Westlands Officials Into The Summer Of 2017

David Bernhardt Promised To Stop Lobbying For Westlands--

David Bernhardt, In His Confirmation Hearing, Said He Had Stopped Lobbying For Westlands After November 18, 2016. "'I have not engaged in regulated lobbying activity on behalf of Westlands Water District after Nov. 18, 2016,' Bernhardt testified at his confirmation hearing in May." [*Reveal News*, [07/18/17](#)]

--But Bernhardt Stayed In Close, Personal Contact With Top Westlands Officials Into The Summer Of 2017

Westlands Officials Told David Bernhardt He Was The Quarterback Of Their "Dream Team." David Bernhardt forwarded a DOI press release to Johnny Amaral on June 27, 2017 announcing that Brenda Burman had been nominated as Commissioner of the Bureau of Reclamation. Amaral replied, "Dream Team... with Bernhardt as the QB." [David Bernhardt email to Johnny Amaral, [06/27/17](#)] (p. 16)

- **Johnny Amaral Was The Deputy General Manager For External Affairs For Westlands At The Time.** He has since moved on to work for the Friant Water Authority in California. [*The Fresno Business Journal*, [03/08/19](#)]



- **David Bernhardt Would Later Echo Amaral, Referring To Himself As A Football “Quarterback” In His Confirmation Hearing As DOI Secretary.** The former oil and gas lobbyist nominated to head the Interior Department declined on Thursday to commit to recusing himself from future regulatory decisions involving past clients, telling senators ‘you want to have your A quarterback on the team.’ David Bernhardt appeared before the Senate Energy and Natural Resources Committee, which was considering his nomination as Interior secretary.” [Denver Post, [03/28/19](#); YouTube, [09/19/19](#)]

David Bernhardt Had Lunch With Tom Birmingham On June 27, 2017. A calendar invite in Tom Birmingham’s email inbox says that Birmingham “accepted” a lunch with David Bernhardt at Oceanaire in Washington, DC on June 27, 2017. [Tom Birmingham Calendar Event, [06/27/17](#)] (p. 12)

- **Tom Birmingham Is The General Manager For Westlands.** [Westlands Water District, [accessed 10/04/19](#)]

Tom Birmingham Emailed David Bernhardt To Say He “Love(s)” A Photo Of Bernhardt Posing With A Hunted Moose. Tom Birmingham sent an email of David Bernhardt posing with a hunted moose to David Bernhardt and said, “I love the image accompanying Secretary Zinke’s statement on your nomination.” [Tom Birmingham Email to David Bernhardt, [05/01/17](#)] (p. 5)

Bernhardt Said He Chose The Photo Because He Thought It Would Appeal To Senator Murkowski, Who Was In Charge Of His Nomination. The Moose Would Be “Great To Use” Bernhardt replied to Birmingham, “thanks for the email. My thought was that the image was not loved by the humane society, but it was a great one to use when the chairman of the committee handling the nomination is from Alaska.” Birmingham replied, “indeed.” [David Bernhardt email to Tom Birmingham, [05/04/17](#)] (p. 6)

David Bernhardt Forwarded A Reveal News Story To Johnny Amaral On July 20, 2017, And Said, “This Is False I Was Not In These Meetings.” [David Bernhardt email to Johnny Amaral, [07/20/17](#)] (p. 30)

- **The Reveal News Article Describes Emails Obtained Through PRAs To Westlands Water District.** “On several occasions between Nov. 22 and April 19, Bernhardt had breakfast, lunch and dinner with Westlands officials, often in the company of congressional Republicans, the records show. The lobbyist frequently telephoned Westlands executives, and at one point offered to stay in touch via email and cellphone after he took his kids skiing over Christmas. He agreed to hop on conference calls with lawmakers and Westlands officials. In February 2017, he flew to the West Coast to consult with them.” [Reveal News, [07/18/17](#)]

David Bernhardt Was Invited To Participate In Westlands Conference Calls Well Into 2017.



- On May 1, 2017, Johnny Amaral emailed David Bernhardt and others to ask if there was “a need for the call today.” Bernhardt replied, “nope.” [David Bernhardt to Johnny Amaral, [05/01/17](#)] (p. 4)
- On May 15, 2017, Johnny Amaral emailed David Bernhardt and others to say there was “no call today.” [Johnny Amaral email to David Bernhardt, [05/15/17](#)] (p. 9)

Just Days Before Bernhardt Was Confirmed As Deputy Interior Secretary, He Personally Sent Lobbying Invoices To Westlands.

David Bernhardt Was Confirmed As Deputy Secretary Of The Interior On July 24, 2017.
[*Denver Post*, [07/24/17](#)]

David Bernhardt Sent An Invoice To Johnny Amaral On July 18, 2017 With The Subject “First Trip.” The \$392.68 invoice is for Bernhardt’s travel and lodging to attend a Westlands board meeting. It includes itemized expenses of \$83.14 for a rental car, \$22 for a taxi, \$265.54 for lodging, and \$22 for a taxi. The expenses were incurred between December 19 and 21 of 2016. A subject line for the invoice is redacted. [David Bernhardt email to Johnny Amaral, [07/18/17](#)] (p. 19)

Western Values Project



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Westlands Water District
Attn: Thomas W. Birmingham, General Manager
P.O. Box 6056
Fresno, CA 93703-6056

Invoice Date: March 08, 2017
Invoice #: 670435
Client Matter #: 014117.0016

Re: Evaluation of [REDACTED]

For Professional Services Rendered Through February 28, 2017

Total Fees \$-

COSTS

<u>Date</u>	<u>Description</u>	<u>Amount</u>
12/19/2016	Delivery/Ground Transportation - David L. Bernhardt - Rental Car - Westlands Board Meeting - David Bernhardt	\$ 83.14
12/19/2016	Delivery/Ground Transportation - David L. Bernhardt - Taxi/Car Service - Westlands Board Meeting - David Bernhardt	22.00
12/19/2016	Lodging - David L. Bernhardt - Hotel - Lodging - Westlands Board Meeting - David Bernhardt	265.54
12/21/2016	Delivery/Ground Transportation - David L. Bernhardt - Taxi/Car Service - Westlands Board Meeting - David Bernhardt	22.00
Total Costs		\$ 392.68

COST SUMMARY

<u>Description</u>	<u>Amount</u>
Delivery/Ground Transportation	\$ 127.14
Lodging	265.54
	\$ 392.68

PRIVILEGED AND CONFIDENTIAL
ATTORNEY/CLIENT PRIVILEGE
(EVID. CODE, SECT 950 ET SEQ.)

BHFS invoice to Westlands Water District, emailed July 18, 2017

David Bernhardt Sent Another Invoice To Johnny Amaral On July 18, 2017. Bernhardt explained, "Johnny: This is my error. Once, I de-registered, the matter name on the invoice



should have been modified to more accurately reflect the scope of the activities, and not simply say Federal Lobbying. I should have had the matter description changed." [David Bernhardt email to Johnny Amaral, [07/18/17](#)] (p. 24)

- **The \$27,432.68 invoice is for "Federal Lobbying" and "professional services rendered February 2017.** This invoice has already been reported on by the *New York Times*. [*New York Times*, [04/04/19](#)]

David Bernhardt Emailed Johnny Amaral Again On July 18, 2017 To Say, "Going Forward, The Matter Two Will Be Named DC Based Government Affairs." [David Bernhardt email to Johnny Amaral, [07/18/17](#)] (p. 28)

Johnny Amaral Forwarded David Bernhardt Instructions About How To Export His Emails. Johnny Amaral forwarded an email from Jim Carter at Westlands Water District with the subject "CPRA submittals to PCL." The body of the email reads, "Download the PST file and remember where you downloaded it. In outlook, click File -> Open & Export -> Open Outlook Data File Search for downloaded file, and select. After the PST is open, you will be presented with a top level folder named the same as the PST file name." [Johnny Amaral email to David Bernhardt, [07/19/17](#)] (p. 29)

Westlands Water District Didn't Hesitate To Share Their Excitement When Their Lobbyist Was On Donald Trump's Transition Team

Westlands Officials Emailed David Bernhardt To Congratulate Him On Donald Trump's Win, Saying They Looked Forward To "New Paths And Opportunities"

Westlands Officials Congratulated Bernhardt On Donald Trump's Win, Saying They "Look Forward" To "Exploring New Paths And Opportunities That Potentially Appear To Have Now Opened Up On Our Issues." On November 8, 2018, Jeffrey Sutton, General Manager of the Tehama-Colusa Canal Authority emailed David Bernhardt to say, "David, Hope this message finds you well. What a YUUUUGE, yet to be honest somewhat unanticipated, historic election night!!! Once my head stops spinning, I am going to have to recalibrate my political compass. And I guess this creates some additional, yet I imagine welcome, work for you as it relates to the transition. Look forward to seeing you next week and visiting on all of these recent developments, and exploring the new paths and opportunities that potentially appear to have now opened up on our issues. Cheers and Congratulations." [Jeffrey Sutton email to David Bernhardt, [11/10/16](#)] (Request 1, attachment 6, p. 280)

Westlands Officials Internally Acknowledged Bernhardt's Role On The Transition Team As Early As September 2016. On September 26, 2016, Jon Rubin emailed an article about Bernhardt



leading the Trump Interior Transition Team to Phillip Williams. Williams replied, "That explains why he (Bernhardt) didn't react too favorably to my scorn for Trump." [Jon Rubin email to Phillip Williams, [09/26/16](#)] (Request 3, attachment 7, p.1891)

David Bernhardt Continued Working With Westlands On "The New Lay Of The Land" Presented By Donald Trump's Win. Johnny Amaral of Westlands invited David Bernhardt to participate in a conference call on November 10, 2016. Amaral said the purpose of the call was "to discuss the new lay of the land given the new developments this week." Amaral said "there are a lot of ideas and thoughts being kicked around among the (Congressional) delegation." [Johnny Amaral email to David Bernhardt, et al, [11/10/16](#)] (Request 1, attachment 6, p. 247)

After It Was Reported That David Bernhardt Would Lead Donald Trump's Interior Transition Team, David Bernhardt Was In Near Constant Contact With Westlands Officials

David Bernhardt Was Identified As The "Leader" Of Donald Trump's Interior Transition Team In November 2016. "David Bernhardt of another lobbying outfit, Brownstein Hyatt Farber Schreck, who, according to Politico, has been appointed to lead the Interior Department team, lobbies for the Westlands Water District in central California and, in the past, for energy and mining companies." [*The Independent*, [11/11/16](#)]

David Bernhardt Met With Westlands Staff In Person And Over The Phone Repeatedly While He Led The Interior Transition Team. In One Instance, Bernhardt Met With Westlands To "Scheme Over Food And Drink."

- Nancy Williams, a consultant with Schramm Williams and Associates, emailed several Westlands staff and CC'd David Bernhardt in an email with the subject line "DC Next Week." She gave the location of Schramm, Williams & Associates's office. She said, "We look forward to seeing everyone at noon next wednesday." [Nancy Williams email to David Bernhardt, et al, [11/11/16](#)] (Request 1, attachment 6, p. 247)
- David Bernhardt emailed Johnny Amaral, the deputy general manager of external affairs for Westlands, on Sunday, November 11, 2016 at 6:59 AM. Bernhardt said only, "Please call me today." [David Bernhardt email to Johnny Amaral, [11/13/16](#)] (Request 1, attachment 6, p. 246)
- Johnny Amaral responded to Bernhardt's email requesting a call at 8:25 AM and said, "Just left you a voicemail." [Johnny Amaral email to David Bernhardt, [11/13/16](#)]



(Request 1, attachment 6, p. 244)

- David Bernhardt emailed Johnny Amaral again on Sunday, November 11. Bernhardt's email has a blank body and the subject line was, "You Noe (sic) Know the COS on a first name basis." Amaral responded, "Awesome." [David Bernhardt email to Johnny Amaral, [11/13/16](#)] (Request 1, attachment 6, p. 243)
 - Bernhardt may be referring to the hiring of Reince Priebus as White House chief of staff, which happened around the same time, but it is not clear from the emails. [*New York Times*, [11/13/16](#)]
- David Bernhardt emailed Johnny Amaral on November 13, 2016 and said, "Please call me today." Amaral replied to say he left a voicemail. [David Bernhardt email to Johnny Amaral, [11/13/16](#)] (Request 3, attachment 7, p. 2181)
- Johnny Amaral emailed David Bernhardt on November 13, 2016 to ask David Bernhardt to have somebody on his staff make reservations for seven for "Dinner with Kiel Weaver" the following Monday night. Bernhardt replied, suggesting the restaurant Oceanaire. [Johnny Amaral email to David Bernhardt, [11/13/16](#)] (Request 1, attachment 6, p. 241)
- In a later response batch, we received an email from Holly Noles of BHFS confirming to Johnny Amaral that "reservations have been made at Oceanaire for 7 PM under David's name." Amaral replied, "that's perfect. Thank you." [Holly Noles email to Johnny Amaral, [11/14/16](#)] (Request 1, attachment 9, p. 638)
- Joe Raeder, a consultant with the Ferguson Group, emailed David Bernhardt and Westlands staff (Amaral and Tom Birmingham) to ask for a dinner meeting "after the Members meeting in the Capitol to debrief and scheme over food and drink." Several people, including Johnny Amaral of Westlands, responded to say they would be available. [Joe Raeder email to David Bernhardt, et al, [11/14/16](#)] (Request 1, attachment 6, p. 239)
- The dinner was changed to 6:00 PM at the Capital Grille. David Bernhardt replied to say he would "be at Bezdeck's." Amaral asked Bernhardt if he could join dinner after his other engagement. Bernhardt said, "Yes, but I will be late." Amaral replied, saying, "no worries." [Johnny Amaral email to David Bernhardt, [11/15/16](#)] (Request 1, attachment 6, p. 221)



- When Bernhardt says “Bezdeck’s,” he is likely referring to John Bezdek, a Washington, DC-based shareholder for Water and Power Law Group PC. [Water and Power Law Group PC, [accessed 06/20/19](#)]
- David Bernhardt emailed Philip Williams, Deputy General Counsel of Westlands, to say, “We need to move our call. Tom B. is in town and he has asked me to attend a couple meeting with him this morning. I apologize and will ask Holly to reschedule.” [David Bernhardt email to PhilipWilliams, [11/15/16](#)] (Request 1, attachment 6, p. 228)
- Johnny Amaral emailed David Bernhardt to ask, “what time can you meet tomorrow morning?” Bernhardt and Amaral agreed to meet at “9 am at the hotel.” [Johnny Amaral email to David Bernhardt, [11/15/16](#)] (Request 1, attachment 6, p. 214)
- Johnny Amaral emailed John Watts in Sen. Feinstein’s office on November 15, 2016, to say, “Will be at your office around 10 am. Tom, David Bernhardt, Shelly Ostrowski and I.” [Johnny Amaral email to John Watts, et al, [11/15/16](#)] (Request 3, attachment 7, p. 2232)
- Tom Birmingham of Westlands Water District sent a google alert to David Bernhardt including a link to a story about Bernhardt’s role in the Trump Transition team. The article notes that Bernhardt’s inclusion on the transition “may well mean a couple of long-term California water issues get very close attention from Trump’s new Interior Department.” [Tom Birmingham email to David Bernhardt, [11/17/16](#)] (Request 1, attachment 6, p. 213) and [KCET, [11/17/16](#)]

Even After David Bernhardt Terminated His Role As A Lobbyist For Westlands, He Continued Staying In Near-Daily Contact With Westlands Officials

David Bernhardt Officially Stopped Lobbying For Westlands On November 18, 2016, But Then Continued Staying In Contact With Westlands Officials.

David Bernhardt deregistered as a lobbyist for Westlands on November 18, 2016. [Westlands Lobbying Disclosure, [01/23/17](#)]

David Bernhardt Emailed And Spoke With Westlands Officials Multiple Times Per Week Even After He Allegedly Stopped Lobbying For Them.



- David Bernhardt forwarded a Politico Pro email to Johnny Amaral and Tom Birmingham on November 18, 2016. [David Bernhardt email to Johnny Amaral and Tom Birmingham, [11/18/16](#)] (Request 1, attachment 9, p. 640)
- Jason Peltier, a former deputy general manager of Westlands, forwarded a New York Times article to David Bernhardt and others on November 20, 2016. [Jason Peltier email to David Bernhardt, [11/20/16](#)] (Request 1, attachment 6, p. 198)
- Johnny Amaral of Westlands emailed David Bernhardt on November 21, 2016 to ask, “who is Doug Domenech.” Bernhardt replied, “My closest friend. Deputy Chief of staff at interior and Head of natural resources after that. I recommended him to lead the landing team weeks ago.” [Johnny Amaral email to David Bernhardt, [11/21/16](#)] (Request 1, attachment 6, p. 194)
- On November 22, 2016, Phillip Williams, the Deputy General Counsel of Westlands emailed Rose Schlueter and said, “can you please send a separate email to David Bernhardt, Roger Martella, Cynthia Larsen, and Greg Scott, reminding them that I need their budget proposals for fiscal year 17 through 18 as soon as possible, but no later than cob today?” Schlueter replied, “Will do.” [Phillip Williams email to Rose Schlueter, [11/22/16](#)] (Response 3, attachment 15, p. 1369)
- David Bernhardt sent a blank email Johnny Amaral on November 23, 2016 with the subject line, “I’m on.” Amaral replied, “Thanks.” [David Bernhardt email to Johnny Amaral, [11/23/16](#)] (Request 1, attachment 6, p. 190)
- On November 25, 2016, Johnny Amaral emailed David Bernhardt and other Westlands staff and consultants to say he was having trouble receiving emails. Amaral urged them to call or text him. [Johnny Amaral email to David Bernhardt, et al, [11/25/16](#)] (Request 1, attachment 6, p. 189)
- On November 28, 2016, Johnny Amaral emailed David Bernhardt and Tom Birmingham to ask, “do we have an opinion about Randy Fiorini?” Birmingham replied, “yes, Randy is a good guy.” [Johnny Amaral email to David Bernhardt and Tom Birmingham, [11/28/16](#)] (Request 1, attachment 6, p. 187)
 - Randy Fiorini is a member of the California Delta Stewardship Council. [Delta Council, [accessed 05/01/19](#)]



- On November 28, 2016, Johnny Amaral emailed David Bernhardt and Kenneth Khachigian, another BHFS employee. Amaral asked, “Is your firm having a reception at the ACWA conference this week? If so, can you make sure that Gary and Todd are on the guest list? As an FYI, I will not be attending the conference as I have too much happening here in the valley to be away for three days.” Khachigian replied, “I already took care of this a couple of weeks ago...I’ll be sure they’re properly received. You’re missing a good party.” [Johnny Amaral email to David Bernhardt and Kenneth Khachigian, [11/28/16](#)] (Request 1, attachment 6, p. 180)
- On November 30, Johnny Amaral emailed David Bernhardt and Tom Birmingham to ask if “we have an opinion” on Cliff Young, the president of the West Valley Water District. No response from Bernhardt or Birmingham is included in the response. [Johnny Amaral email to David Bernhardt and Tom Birmingham, [11/30/16](#)] (Request 1, attachment 6, p. 168)
- On November 30, 2016, Westlands’s General Counsel Phillip Williams emailed David Bernhardt and said, “I hope you are well. I know you're busy, but would appreciate it if you and I could take 10 minutes to talk in the next couple days.” Bernhardt suggested they talk the next day and said, “I’ll call you on your cell.” [Phillip Williams email to David Bernhardt, [11/30/16](#)] (Request 3, attachment 7, p. 2436)
- On December 2, 2016, Johnny Amaral emailed David Bernhardt and said, “Two of our board members had dinner this week with one of the partners at bhfs at the ACWA conference. Don’t let me forget to talk to you about what he said to them the next time we talk.” [Johnny Amaral email to David Bernhardt, [12/02/16](#)] (Request 1, attachment 9, p. 670)
- On December 2, 2016, Johnny Amaral emailed David Bernhardt to ask if Bernhardt was “still on with Tom?” Bernhardt replied, “I’ll call u in a minute.” [Johnny Amaral email to David Bernhardt, [12/02/16](#)] (Request 1, attachment 9, p. 671)
- On December 2, 2016, David Bernhardt emailed the contact information of “H. Dale Hall” to Tom Birmingham. [David Bernhardt email to Tom Birmingham, [12/02/16](#)] (Request 1, attachment 6, p. 151)
 - H. Dale Hall is the CEO of Ducks Unlimited. He retired on June 30, 2019. [Ducks Unlimited, [03/13/19](#)]



- Johnny Amaral emailed David Bernhardt and others on December 4, 2016 and said, “Tom would like to have breakfast at the restaurant in the lobby at the Capitol Hilton at 8am on Tuesday.” Holly Noles, an executive Assistant at BHFS, replied “On Behalf of David Bernhardt” to say, “David will be there.” [Holly Noles email to Johnny Amaral, [12/05/16](#)] (Request 1, attachment 6, p. 130)
- Tom Birmingham replied to say, “I appreciate everyone making themselves available” for the breakfast meeting at the Capitol Hilton. [Tom Birmingham email to David Bernhardt, et al, [12/05/16](#)] (Request 1, attachment 6, p. 125)
- On December 5, 2016, Catherine Emmerson of Sidley Austin LLP emailed David Bernhardt and others to ask if there would be a conference call that day and let them know she would not be able to participate. Johnny Amaral replied and said, “yes we will be having a call.” [Jonny Amaral email to David Bernhardt, et al, [12/05/16](#)] (Request 1, attachment 6, p. 121)
- On December 5, 2016, Johnny Amaral sent a blank email to David Bernhardt with the subject line, “can you talk real quick?” No response email from David Bernhardt is included. [Johnny Amaral email to David Bernhardt, [12/05/16](#)] (Request 1, attachment 6, p. 117)
- On December 6, 2016, Dennis Cardoza emailed a CQ Roll Call article with the headline “Water, Water Everywhere” to David Bernhardt and others. [Dennis Cardoza email to David Bernhardt, et al, [12/06/16](#)] (Request 1, attachment 9, p. 675)
- On December 6, 2016, Johnny Amaral emailed David Bernhardt and Thomas Birmingham to say his flight from Fresno to Salt Lake City had been delayed due to “excessive fog.” Amaral remarked that his short connection “ought to provide a few laughs for other travelers watching my fat ass rumble through the airport.” Amaral followed up shortly after to say he made his flight. [Johnny Amaral email to David Bernhardt and Thomas Birmingham, [12/06/16](#)] (Request 1, attachment 9, p. 677)
- On December 6, 2016, Dennis Cardoza emailed David Bernhardt and several Westlands staff to say he had “secured a table for 7-8 in back of coffee shop at the Capitol Hilton on 16th street.” [Dennis Cardoza email to David Bernhardt, [12/06/16](#)] (Request 1, attachment 6, p. 103)
- On December 6, 2016, David Bernhardt emailed Johnny Amaral and asked him to “call me when u land.” Amaral replied, “I’m going to have to sprint to catch my connector.



What's up?" No response email from David Bernhardt is included in the response. [David Bernhardt email to Johnny Amaral, [12/06/16](#)] (Request 1, attachment 6, p. 101)

- On December 7, 2016, Dennis Cardoza forwarded a newsletter on California water issues to David Bernhardt other Westlands consultants and staff. [Dennis Cardoza email to David Bernhardt, et al, [12/07/16](#)] (Request 1, attachment 6, p. 85)
- On December 9, 2016, Catherine Emmerson emailed Tom Birmingham, David Bernhardt and others to tell them she would not be able to participate in conference calls because she was flying. [Catherine Emmerson email to David Bernhardt, et al, [12/09/16](#)] (Request 1, attachment 6, p. 62)
- On December 13, 2016, David Bernhardt forwarded a Politico Pro article announcing Ryan Zinke's appointment as Interior Secretary to Johnny Amaral. [David Bernhardt email to Johnny Amaral, [12/13/16](#)] (Request 1, attachment 6, p. 57)
- On December 14, 2016, David Bernhardt emailed Johnny Amaral and said, "I've called you twice but your vm is not picking up." [David Bernhardt email to Johnny Amaral, [12/14/16](#)] (Request 1, attachment 6, p. 56)
- On December 15, Johnny Amaral emailed Holly Noles and said, "I just spoke with David and he suggested I connect with you about organizing a reception that Westlands wants to host at a restaurant or a venue on the hill for members and staff. It's a 'thank you' event for their efforts this year. The venue would need to be catered with heavy appetizers and a full bar. David suggested Charlie Palmers in one of their private rooms. The room would have to accommodate no more than 30 people....I think. Can you help with that?" Noles replied to say, "I can." Amaral said to schedule the event for January 10 at 6pm or 7pm. [Johnny Amaral email to Holly Noles, [12/15/16](#)] (Request 3, attachment 7, p. 2525)
- On December 20, 2016, Phillip Williams emailed David Bernhardt to ask, "are you still there?" Bernhardt replied, "yes and I will be until your (sic) done." Forty-five minutes later, David Bernhardt replied again to say, "I'm parking." Philip Williams replied, "Do you see the restaurant?" [David Bernhardt email to Phillip Williams, [12/20/16](#)] (Request 1, attachment 6, page 37)
- On December 22, 2016, Johnny Amaral sent a blank email to David Bernhardt with the subject line, "can you talk?" No email response from David Bernhardt is included. [Johnny Amaral email to David Bernhardt, [12/22/16](#)] (Request 1, attachment 6, p. 24)



- Johnny Amaral sent a blank email to David Bernhardt and others on December 30, 2016 with the subject line, "10 am call?" No reply is included in the response. [Johnny Amaral email to David Bernhardt, et al, [12/30/16](#)] (Request 1, attachment 6, p. 1)
- Johnny Amaral emailed David Bernhardt and others on January 2, 2017 and said, "Yes, we need to have a short call today to discuss a development over the weekend that you all need to be aware of." [Johnny Amaral email to David Bernhardt, et al, [01/02/17](#)] (Request 1, attachment 7, p. 160)
- Johnny Amaral emailed David Bernhardt and others on January 2, 2017 to ask, "Can you all do a call with Tom TODAY at 4pm EST?" David Bernhardt replied, "yes." In a subsequent reply, Amaral asked Bernhardt, "did Ryan fill you in?" Bernhardt replied, "yes." "Ryan" is likely Ryan Smith, a shareholder at BHFS. [Johnny Amaral email to David Bernhardt, et al, [01/02/17](#)] (Request 1, attachment 7, p. 130)
- On January 4, 2017, David Bernhardt forwarded a link to a secretarial order to Johnny Amaral. [David Bernhardt email to Johnny Amaral, [01/04/17](#)] (Request 3, Attachment 8, p. 36)
- On January 5, 2017, Rose Schlueter emailed David Bernhardt and said, "Hi David: In the future, we would like to schedule this call on the first Monday of each month. Since we missed it this month, would you be available to talk to Philip on January 12 at 10:00 a.m., PST?" Holly Noles, an assistant at BHFS, replied and said, "This email is regarding a possible call with David Bernhardt on January 12th. He is available from 9AM-10AM PST as well as 1-2PM PST. Please let me know if either of these blocks work." [Rose Schlueter email to David Bernhardt, [01/10/17](#)] (Request 3, Attachment 16, p. 48)
- On January 10, 2017, Holly Noles emailed Rose Schlueter to ask for a phone call between David Bernhardt and "Phillip." Noles replied to say that Bernhardt would be available at 9AM or 1PM on January 12. [Holly Noles email to Rose Schlueter, [01/10/17](#)] (Request 3, Attachment 16, p. 49)
- On January 12, 2017, Karen Clark, an executive assistant to Thomas Birmingham, emailed David Bernhardt and others to notify them that a planned conference call the next day had been cancelled. [Karen Clark email to David Bernhardt, et al, [01/12/17](#)] (Request 1, attachment 7, p. 59)



- On January 13, 2017, Don Brock forwarded an email about David Bernhardt to Johnny Amaral. Amaral replied, "Yes. About a month ago David Bernhardt had to de-register as a lobbyist in order to continue to lead the transition team. Nothing unusual." [Don Brock email to Johnny Amaral, [01/13/17](#)] (Request 3, Attachment 8, p. 59)
- On January 23, Johnny Amaral emailed David Bernhardt and others to say, "We have a Finance committee meeting in the Fresno office at the moment. I was hoping to be able to break away to have our call, but I don't think that's going to be possible. We will need to postpone our call." [Johnny Amaral email to David Bernhardt, et al, [01/23/17](#)] (Request 3, Attachment 8, p. 61)
- On January 26, 2017, Johnny Amaral emailed David Bernhardt and asked, "you're coming out next week, right?" Bernhardt replied, "Yes, should I not?" Amaral replied, "Absolutely you need to be there. I just wanted to make sure." [Johnny Amaral email to David Bernhardt, [01/26/17](#)] (Request 1, attachment 7, p. 54)
- On January 26, 2017, Holly Noles emailed Phillip Williams and said, "I have a reservation for 5:30 PM next Wednesday at Ella for you and David Bernhardt. Please let me know if a better time works for you/somewhere else you would rather go. Thank you." Williams replied to say that "Ella is very nice and 5:30 works well for me." [Holly Noles email to Phillip Williams, [01/26/17](#)] (Request 3, attachment 16, p. 87)

At Least One Outside Party Reached Out To Brownstein Hyatt Farber Schreck To Ask If The Firm Had "Any Influence With The New Administration."

- On January 26, 2017, Donald E. Brock emailed Kenneth Khachigian of BHFS and said, "Do you have any influence with the new administration? The Interior transition guy in charge (Dave Bernhardt) used to be the lobbyist for Westlands, and that is where Amaral works today. He formerly worked for Congressman Nunes. As you can see, we are promoting the name of John Carter for the Department of Interior - either Assistant Secretary for Water and Science, or Commissioner of the Bureau of Reclamation. We think we have been pushing most of the right buttons, but if Carter is to get anywhere, either Congressman Hunter or Congressman Nunes have to connect with Secretary Designate Zinke (former Congressman from Montana)." [Donald Brock email to Kenneth Khachigian, [01/26/17](#)] (Request 3, Attachment 83, p. 114)
- Kenneth Khachigian replied, "Dave Bernhardt is my law partner, and I'll inquire of him where John's application might be, and I will endorse John. Also, with Nunes, he has designated his chief of staff, Anthony Ratekin, as the "go-to" guy to process



recommendations for administration offices to pass along to Devin. You can indicate to him that I'm supportive of John." [Kenneth Khachigian email to Donald Brock, [01/26/17](#)] (Request 3, Attachment 8, p. 114)

- Donald Brock is involved in agribusiness in California. [BrockSeed.com, [accessed 05/21/19](#)]
- No emails received show David Bernhardt weighing in on John Penn Carter's application. John Penn Carter appears to still be in private practice. [Horton, Knox, Carter & Foote, LLP, [accessed 05/21/19](#)]
- On January 30, 2017, Johnny Amaral emailed David Bernhardt to ask, "what time do you depart DC tomorrow?" Bernhardt replied, "around 4." Amaral replied, "OK. Will call you in the morning." [Johnny Amaral email to David Bernhardt, [01/30/17](#)] (Request 3, Attachment 8, p. 80)
- On January 30, 2017, Johnny Amaral emailed David Bernhardt and others. He said, "No call today. See you Wednesday." [Johnny Amaral email to David Bernhardt, et al, [01/30/17](#)] (Request 1, attachment 7, p. 52)
- On January 30, 2017, Johnny Amaral emailed David Bernhardt and asked, "What time do you want to meet up tomorrow?" Bernhardt replied, "around 4." [Johnny Amaral email to David Bernhardt, [01/30/17](#)] (Request 1, attachment 7, p. 49)
- On January 30, 2017, David Houston forwarded a cover letter and CV to Jean Sagouspe, Tom Birmingham, and David Bernhardt with a subject line "Rob Roy Ramey - DOI Candidate." Houston said, "Jean, I suspect you know Rob well. I'm forwarding this to Tom and Dave with my endorsement for as a Trumpian." [Dave Houston email to David Bernhardt, et al, [01/30/17](#)] (Request 3, Attachment 16, p. 94)
- On February 6, 2017, Johnny Amaral emailed David Bernhardt and others to tell them there was "no call today." [Johnny Amaral email to David Bernhardt, et al, [02/06/17](#)] (Request 1, attachment 7, p. 45)
- On February 7, 2017, Ryan Smith emailed Tom Birmingham and said, "I understand that you may have been looking for me this morning. If you still are, you can reach me at the number below or on my cell at (redacted)." David Bernhardt was CC'ed. [Ryan Smith email to Tom Birmingham, [02/07/17](#)] (Request 1, attachment 7, p. 44)



- On February 9, 2017, Johnny Amaral sent an email to David Bernhardt including a link to a Fresno Bee article. The article is titled, “California water venture tied to Trump sees prospects rise after years of setbacks” and notes that Bernhardt “helped Trump during the transition and is a candidate to return to Interior in a top job.” [Johnny Amaral email to David Bernhardt, [02/09/17](#)] (Request 1, attachment 7, p. 43) and [*Fresno Bee*, [02/08/17](#)]
- On February 13, Johnny Amaral emailed a Mercury News article to David Bernhardt, Ryan Smith, and Denny Rehberg. [Johnny Amaral email to David Bernhardt, et al, [02/13/17](#)] (Request 1, attachment 7, p. 42)
- On February 13, 2017, Michael Burns emailed an article to David Bernhardt, Johnny Amaral, and Ryan Smith from the Merced Sun Star. [Michael Burns email to David Bernhardt, et al, [02/13/17](#)] (Request 1, attachment 7, p. 37)
- On February 15, 2017, David Bernhardt emailed Johnny Amaral. Bernhardt asked, “Do you know John Destefano who used to work for Boehner? He is now the head of WH personnel.” Amaral replied, “Yes. I know him well. For years. What’s up?” No emailed response from David Bernhardt is included. [David Bernhardt email to Johnny Amaral, [02/15/17](#)] (Request 1, attachment 7, p. 36)
- On March 2, 2017, Phillip Williams emailed David Bernhardt and said, “Westlands’ fiscal year ended on February 28th. As such, please ensure that I receive any bills for legal services rendered through February 28th, 2017, by the end of March. Of course, please do not hesitate to call me with any questions or concerns. Thank you for all that you do for us.” [Phillip Williams email to David Bernhardt, [03/02/17](#)] (Request 3, Attachment 8, p. 280)
- On March 5, 2017, David Bernhardt emailed a Wall Street Journal article to Johnny Amaral. The article was titled, “An End to California’s Drought Isn’t Cut and Dried.” [David Bernhardt email to Johnny Amaral, [03/05/17](#)] (Request 1, attachment 7, p. 32)
- On March 8, 2017, David Bernhardt sent a blank email to Johnny Amaral with a subject line, “give me a call.” Amaral replied to say that he had left a voicemail. [David Bernhardt email to Johnny Amaral, [03/08/17](#)] (Request 1, attachment 7, p. 31)
- On March 14, 2017, Johnny Amaral sent an email to David Bernhardt and others inviting them to participate in a Westlands Grower conference call. Bernhardt replied, “thanks.” [Johnny Amaral email to David Bernhardt, [03/14/17](#)] (Request 1, attachment 7, p. 28)



- On April 19, 2017, Johnny Amaral emailed David Bernhardt and others to say, “Team breakfast next week on Wednesday morning. Can you make it?” No responses are included. [Johnny Amaral email to David Bernhardt, et al, [04/19/17](#)] (Request 1, attachment 7, p. 22)
- David Bernhardt replied to Johnny Amaral’s April 19 email and said, “yes.” [David Bernhardt email to Johnny Amaral, [04/19/17](#)] (Request 3, Attachment 16, p. 149)

Emails Obtained From Westlands Show That David Bernhardt Kept Working With Congress On The Water District’s Behalf After He Deregistered As A Lobbyist

After David Bernhardt Deregistered As A Lobbyist For Westlands, He Repeatedly Met With Westlands Officials And Members Of Congress On Specific Legislation And Emailed Congressional Updates To Westlands Officials.

After November 18, 2016, David Bernhardt Continued Corresponding With Westlands Officials On Issues Related To Congress And Specific Legislation.

- On November 23, 2016, Johnny Amaral forwarded an email to David Bernhardt with the subject line, “Revisions To Contractor Proposal 11.22.16(BEW Edits). The original email was from Brent Walthall of the Kern County Water Agency and included an attachments with draft language for legislation in Congress. Walthall wrote, “The language that John and Kyle sent to us yesterday is attached. We can accept the changes that the administration is proposing, however, we also propose two small but important edits of our own.” [Johnny Amaral email to David Bernhardt, [11/23/16](#)] (Request 3, attachment 15, p. 1372)
- On November 30, 2016, Johnny Amaral emailed David Bernhardt to ask if he would “have time to do a call with me and Anthony Ratekin from Nunes’s office.” Bernhardt replied, “I would have 15 minutes.” [Johnny Amaral email to David Bernhardt, [11/30/16](#)] (Request 1, attachment 6, p. 169)
- On December 1, 2016, David Bernhardt emailed Johnny Amaral to tell him, “the House will meet at 9:00 a.m. for legislative business. First and last votes are expected at 11:00 a.m. - 12:00 p.m.” [David Bernhardt email to Johnny Amaral, [12/01/16](#)] (Request 1, attachment 9, p. 669)



- On December 2, 2016, Johnny Amaral emailed David Bernhardt to ask if he had “a bio on file” for Brenda Burman. [Johnny Amaral email to David Bernhardt, [12/02/16](#)] (Request 1, attachment 6, p. 154)
 - Brenda Burman went on to become the Commissioner of the Bureau of Reclamation. [WVP, [accessed 06/20/19](#)]
- On December 2, 2016, Johnny Amaral emailed David Bernhardt and other consultants and staff to ask them to review a support letter draft for the California Congressional Delegation “in the event that language we support gets attached to a moving legislative vehicle sometime today or this weekend.” No reply from David Bernhardt is included in the response. [Johnny Amaral email to David Bernhardt, et al, [12/02/16](#)] (Request 1, attachment 6, p. 149)
- On December 5, 2016, David Bernhardt emailed a link to a Congressional letter to Johnny Amaral. The letter is from several members of Congress to the Council on Environmental Quality and expresses the members’ “strong opposition” to a “proposal that would override existing regulations to expedite and increase the shipment of water from the Sacramento San Joaquin Delta to Sout-of-Delta water users.” [David Bernhardt email to Johnny Amaral, [12/05/16](#)] (Request 3, attachment 7, p. 2485)
- On December 3, 2016, Anthony Ratekin, Chief of Staff for Rep. Devin Nunes, emailed Johnny Amaral to ask if he could “get on a call with Devin and me at 12:30?” Amaral replied, CCing David Bernhardt, and said, “Yes. I am available. But we need to check David Bernhardt’s availability as well.” [Johnny Amaral email to Anthony Ratekin, [12/03/16](#)] (Request 1, attachment 9, p. 674)
- On December 5, 2016, Johnny Amaral forwarded a news article to David Bernhardt and others about a House water projects bill that would include “modest provisions to address the ongoing California drought.” [Johnny Amaral email to David Bernhardt, et al, [12/05/16](#)] (Request 1, attachment 6, p. 118)
- On December 5, 2016, Johnny Amaral sent a blank email to David Bernhardt with the subject line, “did Boxer do a statement?” Bernhardt replied, Yes. The Hill has a story.” [Johnny Amaral email to David Bernhardt, [12/05/16](#)] (Request 1, attachment 6, p. 116)
- On December 5, 2016, David Bernhardt forwarded a press advisory from Rep. Kevin McCarthy’s office about an upcoming vote to Johnny Amaral. The headline was,



“McCarthy Supports California Drought Language in Water Bill.” [David Bernhardt email to Johnny Amaral, [12/05/16](#)] (Request 1, attachment 6, p. 113)

- On December 5, 2016, David Bernhardt forwarded a press release from Sen. Diane Feinstein to Johnny Amaral. The headline of the release was, “Feinstein Supports Drought Language in Water Resources Development Act.” [David Bernhardt email to Johnny Amaral, [12/05/16](#)] (Request 1, attachment 6, p. 106)
- On December 6, 2016, Cole Rojewski forwarded a Bloomberg Government article titled “Senate Democrats May Have Votes Against Water Bill” to David Bernhardt and others. [Cole Rojewski email to David Bernhardt, et al, [12/06/16](#)] (Request 1, attachment 9, p. 678)
- On December 6, 2016, Cole Rojewski forwarded a Politico article titled “Problems Piling Up for Senate’s WRDA Bill” to David Bernhardt and others. [Cole Rojewski email to David Bernhardt, et al, [12/06/16](#)] (Request 1, attachment 9, p. 680)
- On December 6, 2016, Tom Birmingham emailed a “letter supporting drought language in WRDA” to Jennifer Duck and John Watts in Senator Feinstein’s office. He CC'd David Bernhardt and others. [Tom Birmingham email to Jennifer Duck, et al, [12/06/16](#)] (Request 1, attachment 9, p. 683)
- On December 6, 2016, Tom Birmingham sent a letter of support regarding the drought language in the WRDA to John Watts and Jennifer Duck in Senator Feinstein’s office. Birmingham CC'd David Bernhardt and other Westlands consultants. [Tom Birmingham email to John Watts, et al, [12/06/16](#)] (Request 1, attachment 6, p. 98)
- On December 7, 2016, David Bernhardt forwarded a “Letter expressing the Association of California Water Agencies’ support for the Pending WRDA Bill” to Thomas Birmingham and Johnny Amaral. [David Bernhardt email to Tom Birmingham and Johnny Amaral, [12/07/16](#)] (Request 1, attachment 6, p. 93)
- On December 7, 2016, David Bernhardt forwarded a Natural Resources Republicans press release to Thomas Birmingham, Johnny Amaral, and others. [David Bernhardt email to Thomas Birmingham, et al, [12/07/16](#)] (Request 1, attachment 6, p. 82)
- On December 8, 2016, David Bernhardt forwarded a Wall Street Journal article to Johnny Amaral and Thomas Birmingham. The article’s title was “The Barbara Boxer Water



Rebellion." [David Bernhardt email to Johnny Amaral and Thomas Birmingham, [12/06/16](#)] (Request 1, attachment 6, p. 78)

- On December 8, 2016, David Bernhardt forwarded an email from Jon Hrobsky of BHFS to Johnny Amaral. Hrobsky's original email included a link to a Wall Street Journal article titled "The Barbara Boxer Water Rebellion." Hrobsky's comment on the article was, "The Democratic Ted Cruz tries to kill a bill that would have helped parched California." [David Bernhardt email to Johnny Amaral, [12/08/16](#)] (Request 1, attachment 6, p. 78)
- On December 9, 2016, David Bernhardt forwarded a Politico Pro email to Johnny Amaral. The subject line was "Morning Energy, presented by Vet Voice Foundation: Water infrastructure, spending bills delayed in Senate – Imagining Pruitt's EPA – Rob Bishop's busy to-do list for 2017." [David Bernhardt email to Johnny Amaral, [12/09/16](#)] (Request 1, attachment 9, p. 685)
- On December 9, 2016, David Bernhardt sent an email including the "final vote results for Roll Call 622" to Thomas Birmingham and Johnny Amaral. Bernhardt said, "you will find this interesting." [David Bernhardt email to Thomas Birmingham and Johnny Amaral, [12/09/16](#)] (Request 1, attachment 6, p. 63)
- On December 9, 2016, David Bernhardt forwarded an email from Matt Kellogg, a Senior Policy Advisor and Counsel to Rep. Kevin McCarthy to Johnny Amaral. The email had a subject of "Successor Biological Opinion Language." In the email, Kellogg said, "just wanted to thank you for all of your help with this. We will see what happens in the Senate but I feel pretty good since we posted 360 over here on the bill." [David Bernhardt email to Johnny Amaral, [12/09/16](#)] (Request 3, attachment 15, p. 1528)
- On December 14, 2016, John Watts in Sen. Feinstein's office sent a memo to David Bernhardt and Johnny Amaral. The memo is titled "S. 2533 and its implications for the BiOps and ESA." The memo says Sen. Feinstein's office concluded "that S. 2533 is consistent with the ESA and the two biological opinions." The memo notes that Sen. Feinstein's view is "supported by the Obama Administration." The memo is dated "May 3, 2019," but that appears to be an error. [John Watts email to David Bernhardt, [12/14/16](#)] (Request 1, attachment 9, p. 702)
- On December 20, 2016, David Bernhardt forwarded a Facebook video from Rep. McCarthy to Thomas Birmingham and Johnny Amaral. The video features Rep. McCarthy celebrating the passage of the Water Resources Development Act. [David



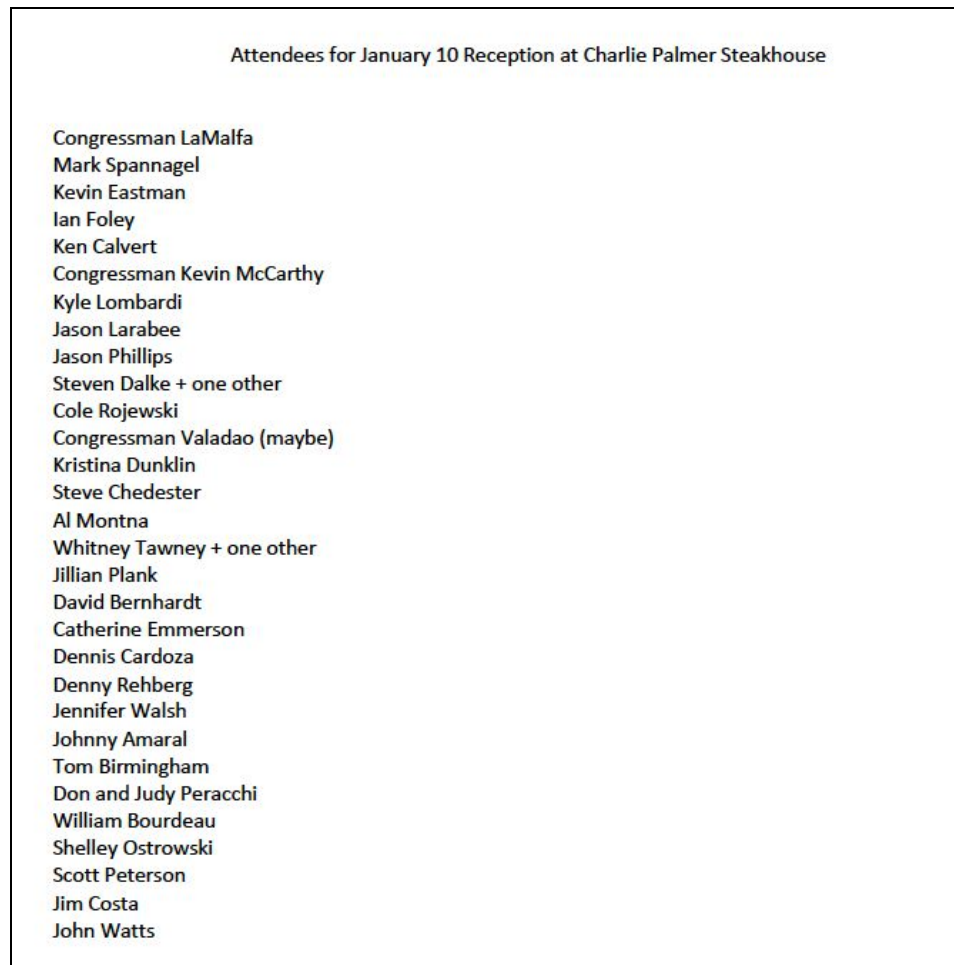
Bernhardt email to Thomas Birmingham and Johnny Amaral, [12/20/16](#)] (Request 1, attachment 6, page 39) and [Facebook, [accessed 05/01/19](#)]

- **Westlands Officials forwarded an email to David Bernhardt from Rep. Devin Nunes that supported David McClain for Deputy Assistant Secretary of Fish, Wildlife and Parks.** Johnny Amaral forwarded an email that Tom Birmingham had sent to Rep. Devin Nunes. The email included a resume and writing sample from David McClain, who hoped to be nominated Deputy Assistant Secretary of Fish, Wildlife, and Parks. [Johnny Amaral email to David Bernhardt, [12/22/16](#)] (Request 1, attachment 6, page 27)
 - David McClain did not get the position of Deputy Assistant Secretary of Fish, Wildlife and Parks. It is unclear if he has any position at Interior.
- Thomas Birmingham emailed Devin Nunes and his staffer, Anthony Ratekin, on December 27, 2016, and said, “Devin and Anthony, Attached is the document you requested I draft. I suggest we have a telephone conference to discuss this document at your earliest convenience.” David Bernhardt and Johnny Amaral are CC’ed. The attached document is an emergency declaration due to drought in California and says, “I hereby find that operations of the Central Valley Project and the California State Water Project shall be exempt from the provisions of the Endangered Species Act.” [Thomas Birmingham email to Devin Nunes, et al, [12/27/16](#)] (Request 1, attachment 6, p. 2)
- On January 2, 2017, Kristina Dunklin, legislative director for Rep. David Valadao, emailed Thomas Birmingham and David Bernhardt and said: “Wanted to get your take on the San Joaquin River Settlement language in H.R. 2898 (sec. 313) as replacement for the language in the draft bill sent in early December. As a reminder, the Settlement language in 1837 made strong edits to the Settlement, but preserved some of the legislation for funding purposes. In 2898, we included full repeal of the Settlement and included our warm water fishery language that stipulates a warm water fishery below Friant dam to satisfy CA fish and game code and the Settlement. This language is attached. We are planning on replacing the Settlement language with the language from 2898. Please let me know if there are any concerns from you guys.” No response is included. [Kristina Dunklin email to Thomas Birmingham and David Bernhardt, [01/02/17](#)] (Request 1, attachment 9, p. 716)
- Johnny Amaral emailed David Bernhardt and others on January 3, 2017 and said, “As you know, there’s a small group of Westlands staff and board members coming to DC next week for the hill reception on Tuesday the 10th. I’d like to have a lunch meeting in DC earlier in the day on the 10th somewhere on the Hill. A couple of questions: 1. Are



you available? 2. Where should we have lunch?" David Bernhardt replied, "yes." Denny Rehberg replied to suggest the Capitol Hill Club, where he is a member. [Johnny Amaral email to David Bernhardt, et al, [01/03/17](#)] (Request 1, attachment 7, p. 120)

- On January 4, 2017, Karen Clark, an executive assistant to Tom Birmingham, emailed a list of guests for the January 10 event to Johnny Amaral. The list includes David Bernhardt and several members of Congress. [Karen Clark email to Tom Birmingham, [01/04/17](#)] (Request 3, Attachment 8, p. 48)



Screenshot

- On January 27, 2017, Johnny Amaral emailed David Bernhardt and others to notify them of a Facebook post from Devin Nunes. [Johnny Amaral email to David Bernhardt, [01/27/17](#)] (Request 1, attachment 7, p. 53)



- On March 8, 2017, Brownstein Hyatt Farber Schreck sent an invoice to Westlands for “Federal lobbying” for “professional services rendered through February 2017.” The invoice itemizes a number of expenses for David Bernhardt on January 31, 2017 including airfare from Washington, DC to Denver, Sacramento, Chicago, and back to D.C, business meals, and several taxis. [BHFS Invoice, [03/08/17](#)] (Request 3, attachment 18, p. 580)
- On April 4, 2017, Johnny Amaral emailed a news article to David Bernhardt with the headline, “Feinstein fumes as Trump team waives environmental review for Mojave water project.” [Johnny Amaral email to David Bernhardt, [04/04/17](#)] (Request 3, Attachment 16, p. 140)
- On April 27, 2017, Ryan Smith emailed David Bernhardt and others to say, “Bill passed with our amendment. All other amendments failed. Huffman took it on the chin.” [Ryan Smith email to David Bernhardt, et al, [04/27/17](#)] (Request 1, attachment 7, p. 21)

David Bernhardt Continued Meeting With And Emailing Westlands Officials Even After He Was Nominated Deputy Secretary

Westlands Officials Congratulated David Bernhardt On His Nomination To Deputy Secretary Of The Interior And Joked About His Ethics Conflicts.

David Bernhardt Was Nominated To Deputy Secretary Of The Interior On April 28, 2017. [DOI Press Release, [04/28/17](#)]

Westlands Officials And Consultants Congratulated Bernhardt On His Appointment And Joked About Bernhardt’s Possible Ethics Issues.

- Tom Birmingham emailed David Bernhardt on April 28, 2017 to congratulate him for being appointed Deputy Secretary of the Interior. Birmingham said, “I hope that I am not too late to be among the first to congratulate you on your nomination. The President could not have picked a more qualified person to serve as Deputy Secretary of the Interior. Thank you for your willingness to make the sacrifices concomitant with accepting this position. I look forward to a day, soon, when I will have to address you as Mr. Secretary.” Bernhardt replied, “Thanks for the kind email.” [Tom Birmingham email to David Bernhardt, [04/28/17](#)] (Request 1, attachment 7, p. 14)
- Denny Rehberg emailed David Bernhardt, Tom Birmingham, and others on April 28, 2017. Rehberg attached a blurb on Bernhardt’s appointment and commented, “Yahoo!!!!”



[Denny Rehberg email to David Bernhardt, et al, [04/28/17](#)] (Request 1, attachment 7, p. 13)

- Johnny Amaral Emailed David Bernhardt on April 28, 2017. The subject of the email was, "Congrats Mr. Bernhardt," and Amaral said, "Can we have a 5 minute call today sometime?" No response from Bernhardt is included. [Johnny Amaral email to David Bernhardt, [04/28/17](#)] (Request 1, attachment 7, p. 12)
- **A Westlands Official Joked About Conservationists Getting "Their Panties Munched Up" In Response To Ethics Concerns About David Bernhardt.** On April 28, 2017, Cannon Michael of the Bowles Farming Company emailed a link to a Natural Resources Defence Council article titled, "Bernhardt at Interior = Fox Guarding the Henhouse." Michael commented, "love it when they get their panties munched up." Johnny Amaral replied, "You're as demented as I am." [Cannon Michael email to Johnny Amaral, [04/28/17](#)] (Request 3, Attachment 8, p. 683)

David Bernhardt Continued Meeting With Westlands Officials After He Was Nominated Deputy Secretary Of The Interior.

- On April 28, 2017, Ric Ortega of the Grassland Water District emailed Tom Birmingham and said, "In the event you are in DC and available Tuesday evening we would love to have you either stop by the reception or join us for dinner at my vice chair Doug Federighi's table. Dale Hall and David Bernhardt will also be joining us. Jim Costa will also join us for a drink after. If not no worries and hope to see you at the steamboat reception Wednesday evening." Birmingham replied to say he would not be able to attend. [Ric Ortega email to Tom Birmingham, [04/28/17](#)] (Request 3, Attachment 16, p. 299)
- Johnny Amaral emailed David Bernhardt and others and said, "Does anyone see a need for the call today? I don't have anything on the agenda." David Bernhardt replied, "nope." [Johnny Amaral, [05/01/17](#)] (Request 1, attachment 7, p. 3)