

**American Rivers * Center for Biological Diversity * Defenders of Wildlife *
Earthjustice * Endangered Species Coalition * Food & Water Watch *
Friends of the Earth - US * League of Conservation Voters *
Natural Resources Defense Council * Public Employees for Environmental
Responsibility * Sierra Club * Union of Concerned Scientists**

May 17, 2017

Please Oppose David Bernhardt For Deputy Secretary of the Interior

Dear Senator:

We are writing to express our strong opposition to the recent nomination of David Bernhardt for deputy secretary of the Interior. After spending years lobbying for the oil and gas industry, big agribusiness and water profiteers, Mr. Bernhardt is laden with conflicts of interest that raise serious questions about his ability to act in the public interest. Further, during his tenure as solicitor of the Department of the Interior, the agency's chief ethics officer, political appointees engaged in ethical lapses and decisions that sacrificed science and the environment to line corporate pockets. The deputy secretary of the Interior Department plays a key role in directing the management of our parks, monuments, forests, refuges, water and wildlife, including endangered species, and Mr. Bernhardt's confirmation would imperil these public resources. We therefore urge you to oppose his appointment.

Mr. Bernhardt's conflicts of interest are profound. His lobbying firm, Brownstein, Hyatt, Farber, and Schreck, has a significant financial stake in the Cadiz project, which seeks to pump water from an aquifer beneath California's fragile desert and sell it to Southern California urban water agencies. Scientists fear that the proposed pumping would significantly damage Mojave National Preserve and Mojave Trails National Monument by drying up springs and other waters that are critical for bighorn sheep, bobcats, and other wildlife. The Cadiz project will require permits from the Department of the Interior to move forward, and, if confirmed as deputy secretary, Mr. Bernhardt would be in a position to approve this ill-advised project that could make millions for his firm.

Mr. Bernhardt and his firm have also received \$1.27 million since 2011 to represent Westlands Water District in California — the largest water district in the United States and a key player in big agribusiness. In his work for Westlands, Mr. Bernhardt lobbied Congress to undermine Endangered Species Act protections that are critical for safeguarding salmon and other native fish in the San Francisco Bay-Delta. He also helped Westlands negotiate a settlement with the Department of the Interior regarding toxic agricultural drainage that would provide Westlands with a windfall worth over \$350 million. The settlement agreement is currently stalled pending action by Congress, and Mr. Bernhardt's confirmation would allow him to help push the ill-conceived deal across the finish line to benefit his former client.

Mr. Bernhardt has represented mining and extraction companies, developers, and oil and gas interests. He lobbied for a bill seeking to delay new air pollution limits on coal-fired power plants while working for EP Energy, an American subsidiary of Access Industries. He pushed multiple bills that would have expanded offshore oil and gas drilling in the aftermath of the BP Deepwater Horizon disaster on behalf of Cobalt International Energy, a company that was investigated by the Securities and Exchange Commission and the Department of Justice for violations under the Foreign Corrupt Practices Act. He also represented the National Ocean Industries Association, which represents the offshore oil and gas industry, as an intervenor defendant in litigation that was brought against the Bureau of Ocean Energy Management and oil and gas interests in response to the issuance of new offshore leases immediately following and near the Deepwater Horizon spill. Mr. Bernhardt also lobbied for Rosemont Copper, now Hudbay Minerals, which is seeking permits to mine copper and dispose of its toxic-waste rock and tailings in the Coronado National Forest in Arizona. His extensive ties to companies that seek to exploit public resources for profit should disqualify him for this key resource-protection role.

Further, Mr. Bernhardt's record at the Department of the Interior displays a troubling pattern of placing profits for industry above science-based environmental protection. Mr. Bernhardt was one of the Bush administration's point people in the push to promote oil drilling from the Arctic to Wyoming. As solicitor he authored several controversial legal opinions, including one that stated the Department could not use the Endangered Species Act to address the threats of climate change to polar bears even if the species was protected under the Act. Another opinion, subsequently thrown out in court, interpreted the definition of "endangered species" in a manner that made listing more difficult, but made it easier to remove protections for endangered species. Mr. Bernhardt's time at Interior was also associated with a series of investigations conducted by DOI's Inspector General, including one report that concluded that staff within the Department were interfering with the scientific integrity of the Endangered Species Act.

Mr. Bernhardt has indicated that he plans to recuse himself from matters involving former clients for one year, **and that he may not recuse himself if he receives authorization to work on such matters.** This is insufficient and unacceptable. He should not seek, accept or be granted any exemptions from issues that he may have a conflict. The Senate, at a minimum, must make this clear.

The Department of the Interior is charged with protecting our public lands, waterways and wildlife for future generations. David Bernhardt's conflicts of interest, industry ties and questionable judgment make him ill suited to lead the Department, and his confirmation would place our most cherished natural resources at risk.

Sincerely,

Alaska Wilderness League
 Alpine Lakes Protection Society
 American Rivers
 Animal Legal Defense Fund
 Animal Welfare Institute
 Animals Are Sentient Beings, Inc.
 Apollo Kauai
 Arise for Social Justice
 Arizona Mining Reform Coalition
 Arizona Wilderness Coalition
 Basin and Range Watch
 Battle Creek Alliance/Defiance Canyon
 Raptor Rescue
 Bird Conservation Network
 Black Warrior Riverkeeper
 BlueWave NJ
 Born Free USA
 Bristlecone California Native Plant Society
 California Native Plant Society
 Californians for Western Wilderness
 Campaign to Fight Toxic Prisons
 Cascadia Wildlands
 Center for Biological Diversity
 Center for Food Safety
 Center for International Environmental Law
 Central Colorado Wilderness Coalition
 Citizens for Sludge-Free Land
 Clean Air Watch
 Clean Water Action
 Climate Law & Policy Project
 Climate Stewards of Greater Annapolis
 Conservation Congress
 Conservation Law Foundation
 CORALations
 Defenders of Wildlife
 Delaware-Otsego Audubon Society
 Earthjustice
 Eastern Coyote/Coywolf Research
 Endangered Habitats League
 Endangered Small Animal Conservation Fund
 Endangered Species Coalition
 Environmental Caucus, California Democratic
 Party
 Environmental Protection Information
 Center
 Food & Water Watch
 Footloose Montana
 Friends of Alaska National Wildlife Refuges
 Friends of Arizona Rivers
 Friends of Bell Meadow
 Friends of Bumping Lake
 Friends of Merrymeeting Bay
 Friends of the Bitterroot
 Friends of the Clearwater
 Friends of the Earth - US
 Friends of the River
 Friends of the Santa Clara River
 Friends of the Wisconsin Wolf & Wildlife
 Friends of Whitehaven Park
 Fund for Wild Nature
 Garden Ministry of the Sisters of St. Joseph
 Georgia ForestWatch
 Geos Institute
 Gila Conservation Coalition
 Gila Resources Information Project
 Glen Canyon Institute
 Golden West Women Flyfishers
 Grand Junction chapter, Great Old Broads
 for Wilderness
 Green Peace Corps
 Greenenvironment, LLC
 Hands Across the Sand / Land
 Health Professionals for a Healthy Climate
 Howling For Wolves
 Humane Society Legislative Fund
 inNative
 International Fund for Animal Welfare
 Iowa Environmental Council
 John Muir Project
 Juniata Valley Audubon Society
 Kern Audubon Society
 Kickapoo Peace Circle
 Klamath Siskiyou Wildlands Center
 League of Conservation Voters
 LEPOCO Peace Center
 Los Angeles Audubon Society
 Los Padres ForestWatch

Mankato Area Environmentalists
Massachusetts Forest Watch
Minnesota River Valley Audubon Chapter
Mission Peak Fly Anglers of Fremont
Mojave Desert Land Trust
Montanans for Trapping Reform and Safe
Public Lands
Mount Graham Coalition
National Wolfwatcher Coalition
Native Plant Conservation Campaign
Natural Resources Defense Council
Network for Environmental & Economic
Responsibility of United Church of Christ
New Mexico Sportsmen
New York Turtle & Tortoise Society
North Cascades Conservation Council
North County Watch
Northcoast Environmental Center
Northeast Oregon Ecosystems
Occidental Arts and Ecology Center
Ocean Conservation Research
Pacific Environment
Palm Beach County Environmental Coalition
Patagonia Area Resource Alliance
Peace and Freedom Party, California
Project Coyote
Public Employees for Environmental
Responsibility (PEER)
Ravens Word Writers
RESTORE: The North Woods
Rock Creek Alliance
Rocky Mountain Recreation Initiative
Rocky Mountain Wild
Sabal Trail Resistance
SAFE - Safe Alternatives for our Forest
Environment

San Bernardino Valley Audubon Society
San Juan Citizens Alliance
Save Our Sky Blue Waters
Save the Scenic Santa Ritas
Save Wolves Now Network
Sierra Club
Sisters of St. Joseph
Sky Island Alliance
Soda Mountain Wilderness Council
South Umpqua Rural Community Partnership
Southwest Environmental Center
Students for a Just & Stable Future
Sustainable Arizona
Swan View Coalition
Tennessee Environmental Council
The Climate Reality Project
The Lands Council
The Rewilding Institute
The Safina Center
The Urban Wildlands Group
Turtle Island Restoration Network
Umpqua Watersheds, Inc.
Union of Concerned Scientists
Upper Gila Watershed Alliance
Ursuline Sisters of Tildonk for Justice and
Peace
Utah Physicians for a Healthy Environment
Ventana Wilderness Alliance
Western Environmental Law Center
Western Watersheds Project
White Mountain Conservation League
WildEarth Guardians
Wilderness Watch
Wildlands Network
www.All-Creatures.org
Xun Biosphere Project