

March 27, 2019

The Honorable Lisa Murkowski
Chairman, Senate Committee on Energy and Natural Resources
304 Dirksen Senate Building
Washington, D.C. 20510

The Honorable Joe Manchin
Ranking Member, Senate Committee on Energy and Natural Resources
304 Dirksen Senate Building
Washington, D.C. 20510

Dear Chairman Murkowski and Ranking Member Manchin:

We are writing to oppose the nomination of David Bernhardt for Secretary of the Interior, and ask that you fully vet Mr. Bernhardt's record, both in private practice and as a public servant, prior to passing judgment on his nomination. We are particularly concerned by Mr. Bernhardt's track-record as Deputy and then Acting Secretary of the Interior, where he readily embraced and actively furthered this administration's "energy dominance" agenda, which has profoundly undermined protections for western public lands, waters, and wildlife.

On March 28, 2017, President Trump issued Executive Order 13783 on "Promoting Energy Independence and Economic Growth" and directed the Interior Department and other federal agencies to "eliminate aspects of agency actions that burden domestic energy production." Former Secretary of the Interior Ryan Zinke quickly rebranded this initiative as "energy dominance" and, with the assistance of Mr. Bernhardt, rescinded a wide range of rules and policies that protected public health, safety, and lands from irresponsible and dangerous drilling practices and ensured that American taxpayers received a fair share of drilling revenues.

The impacts on western public lands, including national parks and big game habitats, are rapidly escalating. Over the past two years, the administration – frequently brushing aside concerns from the National Park Service – has sold oil and gas leases on the doorstep of several national parks and monuments, including Petrified Forest National Park in Arizona, Canyons of the Ancients National Monument in Colorado, and Canyonlands National Park in Utah. Widespread leasing has also occurred in big game habitats; according to a recent analysis, one in five oil and gas leases offered for sale by this administration overlapped with priority big game habitats identified by western states. Many of these big game habitats also support populations of Greater sage-grouse, which are now under increased drilling pressure, due to recent changes to the department's landmark conservation plans authorized by Mr. Bernhardt.

Further, Mr. Bernhardt has personally taken steps to eliminate and weaken the role of the public, Native American tribes, and other stakeholders in the decision-making process for oil and gas development. For example, on August 31, 2017, Mr. Bernhardt signed an order directing the Interior Department to conduct a "streamlining" review designed to identify "impediments" to development. This review culminated in a sweeping set of recommendations, many of which the department has adopted, including broadening the use of "categorical exclusions" for drilling projects and non-NEPA documents for leasing proposals, to limit the public's role at each step in the oil and gas decision-making process.

Adverse court rulings have not deterred Mr. Bernhardt's pursuit of energy dominance at the expense of public input. On September 21, 2018, a federal judge in Idaho found that the Trump Administration had impermissibly truncated public comment periods for oil and gas lease sales in several western states. The court admonished the administration, ruling that "the public involvement requirements of FLPMA and NEPA cannot be set aside in the name of expediting oil and gas lease sales." Yet, because the ruling only applies within sage-grouse habitat – a technicality, given the court's pointed comments on the need to honor the requirements of federal law – the department, under Mr. Bernhardt's leadership has continued to use the same abbreviated comment periods for leasing outside of sage-grouse habitat that were struck down by the court.

Finally, the energy dominance agenda has failed to match the administration's rhetoric. Over the past two years, the administration has offered nearly 18 million acres of public lands for leasing – an area greater in size than the state of West Virginia; yet, it has sold just under 3 million acres (or 16 percent) of those leases. The administration is wasting taxpayer dollars on leases that no one wants to buy – and even when it finds buyers, one in five are selling for just \$2.00/acre, the minimum amount permitted by federal law. As a result, speculation is now rampant; according to a recent report from the New York Times, non-competitive leasing – where companies obtain unsold leases for just \$1.50/acre plus a nominal filing fee – "surged in the first year of the Trump administration to the highest levels in over a decade. . . ."

Mr. Bernhardt's reckless pursuit of energy dominance has come at the expense of the American people, our land, water and wildlife, and is marginalizing the perspectives of stakeholders that are most directly affected, including Native American tribes. For this and other reasons, we feel he is not fit to steward our public lands as Secretary of the Interior. We reiterate our opposition to his nomination and respectfully request that you undertake a most careful and searching evaluation of his nomination.

Sincerely,

Coalition to Protect America's National Parks
Conservation Colorado
Conservatives for Responsible Stewardship
Earthjustice
Earthworks
Endangered Species Coalition
Environmental Protection Information Center (EPIC)
Friends of the Earth US
Institute for a Progressive Nevada
Klamath Forest Alliance
Montana Conservation Voters
Montana Wilderness Association
Mountain Mamas
National Parks Conservation Association
Natural Resources Defense Council
Nevada Conservation League
Rocky Mountain Wild
Sierra Club
The Center for Biological Diversity
The Mountain Pact
The Wilderness Society

Vet Voice Foundation
Western Colorado Alliance for Community Action
Western Environmental Law Center
Western Organization of Resource Councils
Western Slope Conservation Center
Western Values Project
Western Watersheds Project
Wyoming Wilderness Association

Cc: The Honorable John Barrasso, The Honorable James Risch, The Honorable Mike Lee, The Honorable Steve Daines, The Honorable Bill Cassidy, The Honorable Corey Gardner, The Honorable Cindy Hyde-Smith, The Honorable Martha McSally, The Honorable Lamar Alexander, The Honorable John Hoeven, The Honorable Ron Wyden, The Honorable Maria Cantwell, The Honorable Bernard Sanders, The Honorable Debbie Stabenow, The Honorable Martin Heinrich, The Honorable Mazie Hirono, The Honorable Angus King, The Honorable Catherine Cortez Masto