



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, Ranking Member Manchin and Members of the Committee on Energy & Natural Resources:

On behalf of The Wilderness Society's more than one million members and supporters, I write to ask you to oppose the nomination of Acting Secretary David Bernhardt for Secretary of the Interior. When Mr. Bernhardt was nominated as Deputy Secretary, The Wilderness Society opposed his nomination over concerns about his record during the Bush Administration and his deep conflicts of interest from his years as a lobbyist for oil, gas, and mining interests. Today, we oppose his nomination for Secretary due to serious concerns over his troubling tenure as Deputy Secretary, during which time he has driven a biased agenda that has put the interests of extractive industries over the interests of the public and the long-term health of our public lands time and time again.

During his time as Deputy and Acting Secretary, his actions have put well-connected special interests before people at every turn when it comes to managing our shared public lands. Under his watch and direction, the Department of the Interior (DOI) has stripped protections for more than 150 million acres of public lands and waters; championed a budget that would zero out the Land and Water Conservation Fund that your chamber just reauthorized by a vote of 92-8; has rushed leasing in the fragile Arctic National Wildlife Refuge; has recklessly put over 17 million acres of public land on the auction block for oil and gas leasing; and has dramatically curtailed public input from stakeholders on the future of their public lands. As you consider his nomination for Secretary tomorrow, please consider these recent examples of Mr. Bernhardt's troubling record as Deputy and Acting Secretary:

Mr. Bernhardt championed a budget for the Department of the Interior zeroing out LWCF shortly after Congress passed legislation to permanently reauthorize it. Soon after Congress voted overwhelmingly to pass a public lands bill that permanently reauthorized America's most important conservation funding program, the Land and Water Conservation Fund (LWCF), Acting Secretary Bernhardt oversaw the release of a budget proposal that would cut LWCF by 105%, nearly zeroing out funding and proposing the rescission of existing funds that would otherwise go out the door for projects. This proposal also came shortly after Bernhardt proclaimed on Twitter that "There's a lot to agree on in the #publiclands package from the senate. The Trump Administration fully supports reauthorizing #LWCF and we included it in our budget last year." Actions speak louder than words, and proposing to zero-out the newly reauthorized program shows a shocking disregard for constituents across the country who fought to secure a vitally important source of funding for our parks and other public lands.

Mr. Bernhardt was intimately involved in the most significant rollback of public lands protections in history – the illegal effort to eliminate over two million acres of Grand Staircase-Escalante and Bear Ears National Monuments.

The Department of the Interior’s review of national monuments ignored tribes, scientists, their own staff members, and the public – nearly 3 million public comments were submitted, with over 99% opposing rollbacks of protections, according to a third-party analysis – to justify selling out national monument lands to private interests for drilling, mining and other development. As Deputy Secretary, Mr. Bernhardt not only engaged in the review, but also carried out these illegal actions. Through the management plan process for Grand Staircase-Escalante National Monument, he also [oversaw](#) issuance of a proposed alternative to dispose of 1,600 acres of the lawful monument (including parcels adjacent to property owned by one of the most vocal national monument opponents), only reversing this position amid media reports and public outcry.

Mr. Bernhardt is cutting the public out of decision-making on their public lands.

As Deputy Secretary, Mr. Bernhardt was the primary architect and quarterback of a so-called “energy dominance” agenda at the Department. Under his direction, DOI has systematically eliminated or reduced opportunities for public input and environmental review for oil and gas leasing and development in the name of eliminating “burdens” to energy development. For example, under Instructional Memorandum 2018-034, the BLM is now operating under new policies designed to issue oil and gas leases at break-neck speed after a curtailed environmental review process and shortened or eliminated public comment periods. Although a federal judge issued a preliminary injunction halting the application of these policies in greater sage-grouse habitat, severely curtailed public engagement remains the predominant practice under Acting Secretary Bernhardt. Coupled with the rapid pace of leasing by BLM, stakeholders – including local communities, landowners, state officials, tribal leaders, and other members of the public – are unable to provide meaningful and substantive public comment on leases that affect their livelihoods and overall quality of life.

Mr. Bernhardt’s leasing policies are devastating big game habitat.

A February 2019 [report](#) found that under the Trump administration, oil and gas lease sales offered in key western states by the BLM are interfering with migration corridors for iconic big game species: nearly 1 in 5 lease sales were in an area identified by the states as an important migration corridor. In New Mexico, a shocking 82 percent of energy leases examined were on priority areas for pronghorn, mule deer or elk.

Mr. Bernhardt is rushing to drill for oil in the Arctic National Wildlife Refuge.

Before serving as its Deputy, Mr. Bernhardt sued the Department of the Interior for the right to conduct disruptive oil testing in the crown jewel of our nation’s wildlife refuge system, the Arctic National Wildlife Refuge. In 2017, Mr. Bernhardt’s and the oil industry’s wishes were granted with the passage of a rider in the tax bill that mandated an oil and gas leasing program in the sensitive and sacred coastal plain of the Arctic Refuge. Under Bernhardt’s leadership, the Department is now rushing the environmental reviews and limiting public participation in the process, all in a desperate race to get drilling leases into the hands of oil companies as fast as possible. A recent USGS [memo](#) made public by Public Employees for Environmental Responsibility (PEER) shows significant gaps in the Department’s scientific information related to potential impacts to the coastal plain of the Arctic Refuge, including on polar bears, public health, and subsistence. These gaps were not identified in BLM’s draft Environmental Impact Statement. In fact, they were hidden from the public.

Mr. Bernhardt oversaw the gutting of a landmark Western conservation agreement.

Just last week, the BLM released its final records of decision rewriting the 2015 sage-grouse conservation plans, rolling back many of the key protections that are crucial to the survival of the sage-grouse and the more than 350 species these lands support across the West. The 2015 plans involved an unprecedented amount of collaboration among stakeholders across ten western states including Republican and Democratic governors, scientists, ranchers and industry. This effort represented a historic success, but Mr. Bernhardt oversaw the effort at BLM to tear apart the main protections of the plans, with the oil and gas industry clearly serving as key influencers and the public left out in the cold.

Mr. Bernhardt has a history of dismissing and disregarding climate science.

Despite clear scientific consensus about the need to tackle the climate crisis, Mr. Bernhardt has been dismissive of the Department's responsibility to act and has actively undermined DOI's efforts to address or even consider the impacts of climate change. As just one example, in a [Secretarial Order](#) he signed just before Christmas in 2017, Bernhardt directed a series of policy changes that included striking chapters on climate change and landscape-scale mitigation from the Department's policy manuals, hamstringing the work of agency staff to consider climate change in agency decisions. Further, as the architect of the Department's "energy dominance" agenda, he has pushed the reversal of a rule limiting methane pollution from oil and gas operations, which prevented the waste of valuable taxpayer-owned resources and needless emissions of a potent greenhouse gas. Mr. Bernhardt's hostility to climate action and science would be especially dangerous should he be confirmed as Secretary. The Department of the Interior oversees production of fossil fuels already responsible for over one-fifth of the nation's greenhouse gas emissions, and our parks, public lands, and neighboring communities are increasingly feeling the front-line impacts of climate change, from extreme drought and wildfires to our melting Arctic.

As Deputy and Acting Secretary during one of the most troubling periods in the Department of the Interior's history, Mr. Bernhardt's actions have shown him to be unfit to serve as the primary steward of America's shared public lands. This track record should not be surprising, given his deep conflicts of interest and the unprecedented access Acting Secretary Bernhardt's former clients are receiving. According to a [recent report](#), Mr. Bernhardt's former industry clients are benefitting from access to the highest levels of Department officials to lobby for their priorities, and [recent media reports](#) detail fifteen times in which department policy changes benefited Bernhardt's former clients since he joined the Department.

We hope you will consider Mr. Bernhardt's troubling record and reject his nomination to serve in this vital role. More than ever, our country needs a Secretary of the Interior who will put the health of our communities and shared lands and waters above the narrow interests of extractive industries and former lobbying clients.

Sincerely,



Drew McConville
Senior Managing Director
Government Relations