

United States Senate

April 27, 2022

Heather C. Gottry
Designated Agency Ethics Official
Director, Departmental Ethics Office
U.S. Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

Director Gottry,

I am writing to request relevant recusal materials for several Department of the Interior (DOI) appointees. Specifically, it has come to my attention that Robert Anderson, Solicitor of DOI, Laura Daniel Davis, Principal Deputy Assistant Secretary for Land and Minerals, Natalie Landreth, Deputy Solicitor for Land Resources, and Nada Culver, Deputy Director of Policy and Programs at the Bureau of Land Management, have been involved in the course of their official duties in matters directly and substantially related to their previous clients or employers.

Executive Order 13989 requires all appointees to sign a pledge to “not for a period of 2 years from the date of [their] appointment participate in any particular matter involving specific parties that is directly and substantially related to [their] former employer or former clients, including regulations and contracts.” Beyond the E.O., 5 CFR § 2635.502(a)(2) requires appointees to consult with ethics officials and receive approval prior to participating personally and substantially in a matter where a reasonable person with knowledge of the relevant facts would question their impartiality.

For these reasons, I am requesting the following documents:

- Copies of the signed and dated ethics pledges for each of the above listed officials;
- Any and all communications and documentation concerning ethics consultations and waivers issued to the officials discussed above; and
- Any and all recusals made by the above listed officials;

This is an important and urgent matter. As I detailed in a letter sent to the DOI Inspector General last December (attached), there is strong evidence that senior DOI officials are currently working on matters of importance to Alaska and America over which they are likely barred by federal regulations and law. There seems to be little urgency in the DOI to determine whether these senior officials are undertaking their responsibilities for the American people in an ethical manner. In my oversight role as a United States Senator, I am requesting immediate answers from the DOI to these and other basic questions.

As I am sure you appreciate, public service demands above all else an objective duty to the nation and the American people. Government officials have a duty to serve the people and uphold

the laws they have been entrusted to execute. An impartial administration of the law is essential to safeguarding our democratic values and must never concede to private agendas.

Sincerely,

A handwritten signature in blue ink that reads "Dan Sullivan". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Dan Sullivan
United States Senator

December 8, 2021

The Honorable Mark Lee Greenblatt
Inspector General
US Department of the Interior
1849 C Street NW – MS 4428
Washington, D.C. 20240

Inspector General Greenblatt:

I write to express my deep concern and to request relevant materials related to several Department of Interior (DOI) appointees that are utilizing their government positions to work on matters directly and substantially related to their previous clients or employers to the benefit of these entities. These actions raise dire conflicts of interest and questions as to these appointees' impartiality under Executive Order 13989 and related United States ethics laws. These individuals have made key decisions to overturn, review, and delay resource development projects and land management plans in Alaska that they and their former employers or clients were actively opposing prior to their appointments. I ask that you supply all relevant information requested below so we may have a full understanding of these appointees' apparent and likely conflicts of interest. I further ask that your office consider opening an ethics investigation into the work of these appointees, as required by law.

Executive Order 13989 requires all appointees to sign a pledge to “not for a period of 2 years from the date of [their] appointment participate in any particular matter involving specific parties that is directly and substantially related to [their] former employer or former clients, including regulations and contracts.”¹ Beyond the E.O., 5 CFR § 2635.502(a)(2) requires appointees to consult with ethics officials and receive approval prior to participating personally and substantially in a matter where a reasonable person with knowledge of the relevant facts would question their impartiality. It has come to my attention that such apparent conflicts of interest certainly exist for the political appointees discussed below and to the best of my knowledge, none have received the requisite approval as required by federal law and regulation.

Ms. Nada Culver currently serves as the Deputy Director of Policy and Programs at the Bureau of Land Management. Prior to her appointment, she worked as Vice President, Public Lands and Senior Policy Counsel at the National Audubon Society and served as the Senior Counsel and Senior Director of Policy and Planning at the Wilderness Society. The Audubon Society was engaged in petitions and lawsuits to halt five Public Land Orders affecting Alaska signed by the Secretary of Interior under the last administration, challenges to the National Petroleum Reserve Alaska (NPR-A) 2020 Integrated Activity Plan (IAP), Environmental Impact Statement (EIS) on the Willow project, challenges to the Arctic National Wildlife Refuge oil and gas leasing program, and the Ambler Road project. It has come to my attention that Ms. Culver has been personally and substantially involved in decisions at the DOI related to delaying PLOs, announcing reviews of the IAP, the Ambler Road project, and the 1002 Area

¹ Executive Order 13989, 86 Fed. Reg. 7029 <https://www.federalregister.gov/documents/2021/01/25/2021-01762/ethics-commitments-by-executive-branch-personnel>

leasing program. Ms. Culver's impartiality on these matters is plainly questionable, and again her involvement on these issues likely violates ethics laws and regulations.

Prior to her appointment, Ms. Natalie Landreth, presently Deputy Solicitor for Lands, worked for the Native American Rights Fund (NARF). In this position Ms. Landreth counseled and represented NARF in comments and petitions on various projects and management plans under consideration by DOI, including the EIS for the oil and gas leasing program in the 1002 Area and the Willow project. In addition, she counseled an Alaska Tribal organization as they sought to prevent the development of the Ambler Road project, which the Department of Justice, at DOI's behest, moved to stay for further review of the project, in line with petitions from this same organization. NARF's aggressive opposition towards, and request for further review of, a multitude of development projects now currently being reviewed by the DOI raises serious concerns now that their former staff attorney, Ms. Landreth, is a part of the team conducting those very reviews. Since her appointment, it has come to my attention that Ms. Landreth has been directly and substantially involved in the DOI's decisions concerning these projects, advancing NARF's agenda without approval from ethics officials.

Prior to her appointment as Deputy Assistant Secretary for Land and Mineral Management, Ms. Laura Daniel Davis worked for the National Wildlife Federation (NWF). As Chief of Policy and Advocacy, Ms. Davis oversaw NWF's campaign to reverse the 1002 Area lease sale order included in the 2017 Tax Cuts and Jobs Act. NWF also pursued a strategic campaign to invalidate the painstaking work of the DOI on the NPR-A 2020 IAP. Now in a position of public trust, Ms. Davis has advanced her former employer's goals—recalling and reviewing the IAP. Any reasonable person would at the very least perceive a conflict of interest if not outright malfeasance in Ms. Davis's role in invalidating the finalized 2020 IAP as her former employer has advocated for, especially in the absence of an ethics approval.

Finally, Mr. Robert L. Anderson, formerly Principal Deputy Solicitor for the Department of Interior, and now Solicitor of the Department of the Interior, was previously the director of the Native American Law Center at the University of Washington School of Law and a staff attorney for NARF. Mr. Anderson was instrumental in establishing the NARF Anchorage Office that now consistently opposes and challenges any and all resource development in Alaska. Mr. Anderson himself has authored a number of articles detailing his personal disdain for the Alaska Native Claims Settlement Act (ANCSA) and natural resource development. After consistently denouncing the DOI in its handling of tribal and Alaska Native issues, Mr. Anderson has now been appointed as the DOI's chief advocate. The DOI has numerous responsibilities under ANCSA and oversees resource development in much of Alaska. Any reasonable person who has read Mr. Anderson's works would certainly question his impartiality and ability to effectively represent the Department he has long decried.

With such direct and substantial conflicts of interests being ignored, the positions of their former employers and clients are being advanced through a subversion of unbiased analysis, constituting: arbitrary and capricious actions; waste, fraud, and abuse; and violations of federal ethics laws and regulations. To the best of my knowledge, none of these appointees have received a waiver from EO 13989 or 5 CFR § 2635.502(a)(2) making their violations not only unethical but clearly illegal. When such behavior rears its head there is a responsibility to the public to investigate and expose every improper action taken. The American people expect, and the law demands, impartial decision making by those privileged to serve in the U.S. government. None of these individuals—as relates to decisions made about Alaska—appear to be abiding by the law.

For these reasons, I am requesting the following documents within the next 30 days:

- Copies of the signed and dated ethics pledge for each of the above listed officials;
- Any and all communications and documentation concerning ethics consultations and waivers issued to the officials discussed above;
- Any and all recusals made by the above listed officials;
- All internal communications (including Microsoft Teams chats and texts from personal cell phones) concerning the re-opening of the NPRA IAP to, from, and amongst the above listed officials and the White House;
- Any and all communications between the above listed officials and their former employers and clients since their appointments (including Microsoft Teams chats and texts from communications devices);
- Any and all communications and opinions to and from the Solicitor's Office concerning the legal sufficiency of the NPR-A IAP and the grounds for re-opening it (including Microsoft Teams chats and texts from communications devices);
- A timeline of the conversations and decisions made at the Department of the Interior and among its officials that led to the review of the NPRA IAP, the 1002 leasing program, the Ambler Road project, and the delay of the five PLOs;
- A detailed explanation of the purpose and need for re-opening the NPRA IAP that pinpoints any perceived insufficiencies; and
- Any and all records of Tribal consultations done in connection with the decision to re-open the NPRA IAP (including Microsoft Teams chats and texts from communications devices).

Public service demands an objective duty to the nation above all else. Government officials have a duty to serve the people and uphold the law they have been entrusted to execute. An impartial administration of the law is essential to safeguarding our democratic values and must never concede to private agendas. I am deeply troubled by the disdain these officials have demonstrated for ethics rules and the institutional damage such disregard has caused. Moreover, I have raised these issues directly with Secretary Haaland and Solicitor Anderson, but have been ignored. Finally, almost all the likely unethical decisions at issue here are focused on shutting down responsible resource development in Alaska, hurting working families throughout my great state. For that reason, I will work tirelessly to bring the full extent of these unlawful improprieties to light.

Sincerely,



Dan Sullivan
United States Senator