

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

June 15, 2021

Ms. Nada Culver
Deputy Director, Policy and Programs
Bureau of Land Management
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

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

Dear Meses. Culver and Gottry,

Senior leaders at federal agencies are responsible for fostering cultures of ethical conduct.¹ Employees unable to act impartially are not qualified to perform their role in government.² To ensure appropriate conduct, the U.S. Office of Government Ethics (OGE) issues ethical standards by which all executive branch employees must abide.³ OGE standards require employees to “place loyalty to the Constitution, the laws, and ethical principles above private gain”⁴ and “act impartially and not give preferential treatment to any private organization or individual.”⁵ Transparency is key to ensuring federal employees’ compliance with OGE’s standards.⁶

Yesterday, however, media reports indicate concerns about Ms. Culver’s ability to act impartially and whether she appropriately consulted ethics officials.⁷ Consultation with ethics

¹ *Nomination of Emory A. Rounds III Nominated to be Director of U.S. Office of Government Ethics, Kelly A. Higashi Nominated to be an Associate Judge, Superior Court for the District of Columbia, and Frederick M. Nutt Nominated to be Controller, Officer of Federal Financial Management, Office of Management and Budget: Hearing before the S. Comm. on Homeland Security and Governmental Affairs*, 115th Cong. (2018) (statement of Emory A. Rounds III, Director of U.S. Office of Government Ethics nominee).

² *Id.*

³ 5 C.F.R. Part 2635 (2017) available at [https://www.oge.gov/web/oge.nsf/0/5438912F316A0D26852585B6005A1599/\\$FILE/SOC%20as%20of%2081%20FR%2081641%20FINAL.pdf](https://www.oge.gov/web/oge.nsf/0/5438912F316A0D26852585B6005A1599/$FILE/SOC%20as%20of%2081%20FR%2081641%20FINAL.pdf).

⁴ *Id.* at §2653.101(b)(1).

⁵ *Id.* at §2653.101(b)(8).

⁶ U.S. OFFICE OF GOV’T ETHICS, *The Ethics Program, Transparency, and You* (June 7, 2018), <https://www.oge.gov/web/oge.nsf/Resources/The+Ethics+Program,+Transparency,+and+You>.

⁷ Scott Streater, *Group Urges IG to Investigate BLM Official*, E&E NEWS (June 14, 2021), <https://www.eenews.net/greenwire/stories/1063734907>; Nicholas Sherman, *Watchdog Calls for Probe Into Bureau*

officials prior to participating in matters that may present conflicts of interest or lead to the appearance of preferential treatment for Ms. Culver's former employers is an essential feature of an ethically compliant culture.

Prior to Ms. Culver's political appointment and employment at the Bureau of Land Management (BLM), she made a career of environmental activism related to matters she now handles in an official U.S. government capacity. For example, she is known as a "sharp critic" of the Trump Administration on matters including boundary modifications of Bears Ears and Grand Staircase-Escalante national monuments, sage grouse management, and oil and gas development on federal lands.⁸

In her most recent position, Ms. Culver worked as Vice President, Public Lands and Senior Policy Counsel for the National Audubon Society.⁹ During her tenure, the National Audubon Society opposed and legally challenged matters related to BLM's sage-grouse management,¹⁰ oil and gas leasing, including in the Arctic National Wildlife Refuge (ANWR)¹¹ and in Colorado,¹² and petitioned against modernization of the National Environmental Policy Act.¹³

of Land Management Official for Possible Ethics Violations, JUST THE NEWS (June 14, 2021), <https://justthenews.com/accountability/watchdogs/watchdog-calls-investigation-bureau-land-management-official-possible>.

⁸ Scott Streater, *Biden Names Audubon Attorney to Replace Pendley*, E&E NEWS (Feb. 22, 2021), <https://www.eenews.net/greenwire/stories/1063725669>.

⁹ Press Release, Dep't of the Interior, *Interior Department Welcomes Newest Members of Leadership Team* (Feb. 22, 2021), <https://www.doi.gov/pressreleases/interior-department-welcomes-newest-members-leadership-team>.

¹⁰ Press Release, National Audubon Society, *Audubon: New Sage-Grouse Review Plan is "Nothing More Than Window-Dressing"*, (Feb. 19, 2020) <https://www.audubon.org/news/audubon-new-sage-grouse-review-plan-nothing-more-window-dressing> (Statement of Nada Culver "The environmental review process announced today by the Bureau of Land Management (BLM) is nothing more than window dressing for a process that they should be taking seriously"); Press Release, National Audubon Society, *Assault on Sage-Grouse Advances Absent Serious Considerations for Science or Law*, (Nov. 19, 2020), <https://www.audubon.org/news/assault-sage-grouse-advances-absent-serious-considerations-science-or-law>.

¹¹ Press Release, National Audubon Society, *BLM's Final Environmental Review for Arctic Refuge Drilling Glaringly Underestimates Harm to Wildlife*, (Sept. 12, 2019), <https://www.audubon.org/news/blms-final-environmental-review-arctic-refuge-drilling-glaringly-underestimates>; Press Release, *Audubon: "All-hands-on-deck to defend the Arctic National Wildlife Refuge"*, (Aug. 24, 2020), <https://www.audubon.org/news/audubon-all-hands-deck-defend-arctic-national-wildlife-refuge> (Statement of Nada Culver "Drilling in the Arctic is a political victory with a price that's too high to pay").

¹² *Protest of Bureau of Land Management (BLM) Colorado March 2020 Oil and Gas Lease Sales*, Protest filed by Nada Culver, Vice President, Public Lands, National Audubon Society, on behalf of National Audubon Society, Conservation Colorado, The Wilderness Society, Barbara Vasquez, Audubon Rockies, Roaring Audubon, Evergreen Audubon, Denver Audubon, National Parks Conservation Association, and Western Colorado Alliance, to Jamie Connell, State Director, Bureau of Land Management, Colorado State Office (Feb. 24, 2020), available at <https://evergreenaudubon.org/wp-content/uploads/2020/03/BLM-Colorado-March-2020-Lease-Sale-Protest-Audubon.pdf>.

¹³ Press Release, National Audubon Society, *White House Changes to 50 Years of Environmental Review are Irresponsible and Dangerous*, (July 15, 2020), <https://www.audubon.org/news/white-house-changes-50-years-environmental-review-are-irresponsible-and>; Nada Culver, *Environmental Impact Gets No Real Consideration Under New Proposed Rule*, NATIONAL AUDUBON SOCIETY (Jan. 9, 2020), <https://www.audubon.org/news/environmental-impact-gets-no-real-consideration-under-new-proposed-rule>

Most recently, in October 2020, Audubon Alaska, a state chapter of the National Audubon Society, opposed BLM's recommendations to issue Public Land Orders (PLOs) for mineral development in Alaska.¹⁴ Ultimately, the PLOs were signed by then-Secretary Bernhardt in January 2021.¹⁵ By April 15, 2021, BLM, under Ms. Culver's leadership, delayed the PLOs' effective date by two years.¹⁶ One nonprofit organization stated Ms. Culver's involvement in those PLOs "raises serious [ethics] questions."¹⁷

Prior to her role at the National Audubon Society, Ms. Culver spent nearly 16 years at The Wilderness Society as an attorney.¹⁸ She developed legal strategies and created the BLM Action center,¹⁹ which works to "push the BLM toward conservation goals . . . by engaging in the agency's decision making process."²⁰ As Senior Counsel and Director of the BLM Action Center, Ms. Culver engaged directly with BLM and Department of the Interior (DOI) employees during the Trump Administration to advance The Wilderness Society's interests. In multiple disclosed instances, Ms. Culver emailed senior DOI officials to transmit The Wilderness Society's petitions and opposition to matters such as Secretarial Order 3353²¹ and BLM's onshore oil and gas programs.²²

Additionally, during Ms. Culver's tenure, The Wilderness Society filed lawsuits against the Trump Administration, including a 2018 challenge to BLM's decision to lease land in sage grouse habitat.²³ When an Obama-era BLM process faced legal challenges, however, The Wilderness Society categorized the case as meritless.²⁴ Ms. Culver attributed the lawsuit to counties being upset that the new process "pulled the VIP pass away from local governments"

¹⁴ Letter from Michael Chamberlain, Director, Protect the Public's Trust to The Honorable Mark Greenblatt, Inspector General, U.S. Dep't of the Interior & Ms. Heather Gottry, Designated Agency Ethics Official, U.S. Dep't of the Interior (June 14, 2021) *available at* <https://www.protectpublictrust.org/wp-content/uploads/2021/06/Request-for-Ethics-Investigation-Nada-Culver.pdf>.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Supra* note 7.

¹⁸ Heather Richards, *Nada Culver Shakes up BLM, Oil and Climate Policy*, E&E NEWS (Apr. 7, 2021), <https://www.eenews.net/energywire/stories/1063729361>.

¹⁹ *Id.*

²⁰ *BLM Lands FAQs*, THE WILDERNESS SOCIETY, <https://www.wilderness.org/articles/article/blm-lands-faqs> (last visited June 10, 2021).

²¹ Email from Nada Culver, Senior Counsel and Director, BLM Action Center, to Mike Nedd, Acting Director, Bureau of Land Management, et al. (Aug. 15, 2017 4:49 p.m.) *available at* https://www.doi.gov/sites/doi.gov/files/uploads/17-00434di_os.pdf.

²² Email from Nada Culver, Senior Counsel and Director, BLM Action Center, to Margaret Bradley (Sept. 14, 2017 12:09 a.m.) *available at* https://www.doi.gov/sites/doi.gov/files/uploads/17-00434di_os.pdf; Email from Nada Culver, Senior Counsel and Director, BLM Action Center, to Katharine MacGregor, Deputy Ass't Sec. for Land and Minerals Management, et al. (Sept. 14, 2017 12:20 a.m.) *available at* https://www.doi.gov/sites/doi.gov/files/uploads/17-00434di_os.pdf.

²³ Scott Streater, *Nada Culver Draws Attention as Biden's Possible BLM Director*, E&E NEWS (Mar. 11, 2021), <https://www.eenews.net/stories/1063727239>.

²⁴ M. John Fayhee, *Wilderness Society Decries Lawsuit by Six Counties Against the BLM*, ASPEN DAILY NEWS (Dec. 16, 2016), https://www.aspendailynews.com/wilderness-society-decries-lawsuit-by-six-counties-against-the-blm/article_857a4301-5cc2-5771-97d7-f37e6c42a111.html.

and asserted the new process eliminated the “crony relationship” between BLM and county governments.²⁵

Currently, Ms. Culver is exercising the delegated authority of the BLM Director.²⁶ Although the media reported President Biden considered nominating Ms. Culver as the BLM Director,²⁷ Tracy Stone-Manning was ultimately selected.²⁸ While official reasons for Ms. Culver not being selected are unclear, former President Obama’s BLM Director Bob Abby previously “question[ed] whether Culver’s past positions as an advocate working at the Wilderness Society and Audubon could pose a problem with Senate confirmation.”²⁹

As a result, Ms. Culver leads the BLM without the scrutiny of a Senate confirmation process. Additionally, unlike for Ms. Stone-Manning, Ms. Culver’s ethics agreement and financial disclosure statements are not public.³⁰ Ms. Culver is, however, still subject to President Biden’s ethics standards. Therefore, for two years, she is prohibited from participating in “any particular matter involving specific parties that is directly and substantially related to [her] former employer or former clients, including regulations and contracts.”³¹

Ms. Culver’s known positions on the issues she is now tasked with deliberating raises serious doubts about her impartiality during the decision-making process. The OGE advises federal employees to “not act on a Government matter if a reasonable person . . . could legitimately question your impartiality.”³² Therefore, based on OGE guidance and President Biden’s ethical requirements, transparency related to Ms. Culver’s work while at the National Audubon Society or The Wilderness Society is as critical as related disclosures about her meetings and involvement in policy decision-making processes as a DOI official.

To confirm Ms. Culver’s compliance with ethical standards and to assist with our oversight activities, please provide the following documents as soon as possible, but no later than 5:00 p.m., June 29, 2021:

1. A copy of Ms. Culver’s signed ethics pledge.

²⁵ *Id.*

²⁶ *Nada Wolff Culver*, BUREAU OF LAND MANAGEMENT, DEP’T OF THE INTERIOR, <https://www.blm.gov/bio/nada-wolff-culver> (last visited June 13, 2021).

²⁷ *Supra* note 23.

²⁸ Statement, The White House, *President Biden Announces 12 Key Climate and Infrastructure Administration Nominations* (Apr. 22, 2021), <https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/22/president-biden-announces-12-key-climate-and-infrastructure-administration-nominations/>.

²⁹ *Supra* note 23.

³⁰ *See Officials’ Individual Disclosures Search Collection*, U.S. Office of Government Ethics, <https://www.oge.gov/web/oge.nsf/Officials%20Individual%20Disclosures%20Search%20Collection?OpenForm>.

³¹ Exec. Order No. 13989, 86 Fed. Reg. 14, 7029 (Jan. 20, 2021).

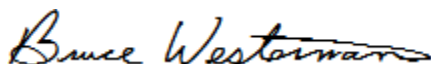
³² U.S. OFFICE OF GOVERNMENT ETHICS, STANDARDS OF ETHICAL CONDUCT: SUMMARY FOR EXEC. BRANCH EMPLOYEES at 12, *available at* [https://www.oge.gov/web/oge.nsf/0/7E9C8E62D239E7C0852585B6005A180E/\\$FILE/Intro%20to%20Standards.pdf](https://www.oge.gov/web/oge.nsf/0/7E9C8E62D239E7C0852585B6005A180E/$FILE/Intro%20to%20Standards.pdf).

2. A copy of Ms. Culver's Ethics Guidance and Recusal Obligations and all related attachments, including, but not limited to, her List of Recusals and Quick Reference Chart.
3. A copy of Ms. Culver's Executive Branch Personnel Public Financial Disclosure Report (OGE Form 278e).
4. A document sufficient to describe all ethics waivers granted to Ms. Culver.
5. A copy of the information Ms. Culver provided to DOI's Ethics Office describing her work at the National Audubon Society and The Wilderness Society.
6. A document listing all petitions, legal, or regulatory challenges against DOI filed by the National Audubon Society from July 1, 2019 through March 1, 2021.
7. A document listing all petitions, legal, or regulatory challenges against DOI filed by The Wilderness Society from October 1, 2003 through June 1, 2019.
8. A document listing all decisions, deliberations, and actions made by Ms. Culver as Deputy Director of Policy and Programs, exercising the delegated authority of the BLM Director or in any other DOI capacity related to any items listed in request items 5 and 6 above.
9. A document sufficient to describe Ms. Culver's role in the ongoing review of oil and gas leasing on federal lands.
10. All documents relating to the alleged ethics violation, including but not limited to any analysis or communications from the Ethics Office to Ms. Culver permitting her to participate in the highlighted Public Land Orders.

Please contact the Oversight and Investigations Subcommittee Minority staff at (202) 225-2761 with any questions about this request and to coordinate the delivery of your response to room 1329 of the Longworth House Office Building.

An attachment contains additional instructions for responding to this request. Thank you for your prompt attention to this matter.

Sincerely,



Bruce Westerman
Ranking Member
Committee on Natural Resources



Paul A. Gosar, D.D.S.
Ranking Member
Subcommittee on Oversight and
Investigations

Mses. Culver and Gottry

June 15, 2021

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cc: The Honorable Raúl Grijalva, Chair, House Committee on Natural Resources
The Honorable Katie Porter, Chair, Subcommittee on Oversight and Investigations

Enclosure