



THE SECRETARY OF THE INTERIOR
WASHINGTON

APR 9 2019

The Honorable Susan Collins
United States Senate
Washington, DC 20510

Dear Senator Collins:

Thank you for the ongoing dialogue concerning the issues important to you and your constituents in the State of Maine. As discussed in detail below, I want to assure you that the views of the State of Maine, the Governor and Congressional Delegation, will be a determining factor during any review of potential areas for Outer Continental Shelf (OCS) development and that I have a strong commitment to ensuring the Department of the Interior has a culture of ethical compliance.

Under the OCS Lands Act, the states have specific roles in the decision-making process for OCS leasing and development. First, in deciding whether to include an area in the leasing program, affected state views including the laws, goals and policies, as identified by the governors, is one of eight determinative factors the Secretary must consider. In addition, the OCS Lands Act provides governors with exclusive review and comment opportunities in the development of the 5 year plan. For individual lease sales, the Secretary must accept the Governor's recommendations where he determines they provide for a reasonable balance between the national interest and the well-being of the citizens affected State.

Given this landscape for decision-making, there is no question that the views of states as expressed by governors and congressional delegations will be a major factor in the balancing analysis involved in making these important decisions. Any leasing or permitting decision will be grounded squarely within the law, consistent with the Department's mission, informed by public engagement, and supported by science.

As for development of particular oil and gas leases in an area that is part of the 5 year leasing program, any development activity must be consistent with the enforceable policies of an affected state's coastal management program, pursuant to the Coastal Zone Management Act. States can review OCS exploration and development and production plans for federal consistency and if a state objects to the plans, the Department of the Interior is prohibited from approving it. In this instance, the lessee can appeal the state's decision to the Department of Commerce or the lessee can amend the proposed activities associated with the permit and resubmit it to the Department and the state for review.

With regard to managing potential conflicts of interest, I believe that public trust is a public responsibility and that maintaining an ethical culture is critical. Enforcing a culture of ethical

standards begins at the top. On a personal level, I have fully complied with my ethics agreement, the ethics laws, and my ethics pledge.

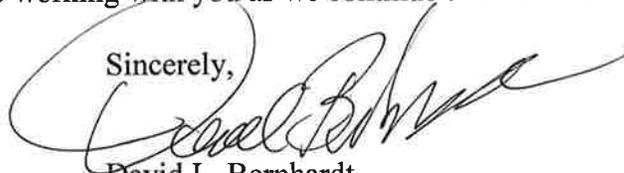
During the past nineteen months, I have actively sought and consulted with the Department's designated ethics officials for advice on particular matters involving clients, and I will continue to consult with these experts for their guidance in the future. Within in the Immediate Office of the Secretary, my entire team is sensitive of the need for me to not participate in any particular matter involving specific parties in which my former firm or a former client is either a party or represents a party. I have implemented a robust screening process to ensure that I do not violate my recusal agreement and to ensure there is no communication between me and staff involved with a particular matter in which a former client is a party or my former firm represents a party on that particular matter involving specific parties.

I have also committed to securing written ethics advice before taking any action that could involve a potential conflict, and have instructed my staff to do the same. I have made clear we are here to work for the American people and for no one else.

In addition, because I believe the Department needs to move to a culture of ethical compliance throughout its offices and bureaus, I have begun to implement significant changes to the program. For years, the Department's ethics program has been subject to a great deal of criticism and oversight, and a lack of funding. To address this, we have hired extremely qualified career ethics professionals to help lead this office. Since the beginning of this Administration we have hired 42 career, professional ethics advisors, including: a new Designated Agency Ethics Official; an alternate Designated Agency Ethics Official; a Financial Disclosure Supervisor; an Ethics Education and Training Supervisor within the Departmental Ethics Office; and new Deputy Ethics Counselors at the National Park Service, Bureau of Land Management and other bureaus and offices. We have elevated the Designated Agency Ethics Official to directly reporting to the Solicitor – the third ranking official in the Department. And, by the end of FY 2019, we will have doubled the number of career ethics officials compared to the previous administration's hires over eight years. With these efforts, we are starting to make tremendous strides in creating a better and more robust ethics program at the Department, but we have much ahead of us.

I look forward to your support and to working with you as we continue these efforts.

Sincerely,

A handwritten signature in black ink, appearing to read "David Bernhardt", written over a circular stamp or seal.

David L. Bernhardt

Acting Secretary of the Interior