

Statement of David Longly Bernhardt
Nominee for the Position of Deputy Secretary of the Department of the Interior

Before the Committee on Energy and Natural Resources
United States Senate

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Chairman Murkowski, Senator Cantwell, and Members of the Committee, I am humbled to appear here today as President Trump's nominee for the position of Deputy Secretary of the Department of the Interior.

I deeply appreciate the trust Secretary Zinke has placed in me by asking me to serve as the Chief Operating Officer of the Department, which is the role of the Deputy Secretary. I ask for your consent to the President's nomination.

I am joined this morning by members of my family: my wife Gena, my son William, my daughter Katherine, as well as my mother Carolyn Bernhardt-Jones. Last week, when Will and Katie were told that this hearing would take place today they wanted to attend claiming that it beat a day in the classroom. That was until they learned they would not be texting during the Committee's proceedings, which made the choice between the hearing and class a very close call. But they are troopers and wanted to be here. For Will there is added bonus, because we think his attendance counts in meeting a requirement for his Citizenship in the Nation merit badge.

It was quite an experience to be introduced by Senator Gardner because our paths have crossed in interesting ways. Obviously, he is a great leader for the State of Colorado. As he mentioned, we both grew up in rural Colorado. I am from the outskirts of the town of Rifle, in Garfield County, Colorado. That county is made up of about two million acres, ranging from rugged alpine mountains to high desert plateaus. About sixty percent of the county is public land, most administered by the Bureau of Land Management and the Forest Service.

Senator Gardner mentioned a man named Russell George. Russell is an educator at heart and he challenged me to understand the history of the development of the law, particularly as it related to water, to be respectful of differing views, and by his example to recognize and engage in principled leadership. He also served as a guide for me as I developed my private law practice in which I have represented non-profits, Indian tribes, water districts, small businesses, and fortune 500 companies. Russell was only one of many individuals who greatly impacted my interest in natural resource and environmental matters, and my development as a leader.

My interest in and dedication to working in natural resources was originally driven by family trips to majestic National Parks, boating at Glen Canyon National Recreation Area, and hikes, hunts and horseback rides on the public lands that bordered our community, when my brother and I weren't on my grandparents ranch in eastern Wyoming. It was also driven by daycare, or the lack thereof. Yes, I said daycare.

My parents both worked and, as a result, they took an unconventional approach to daycare. My dad would take my brother and me everywhere, and I mean everywhere. If we weren't in school and my mom was working, we were with our dad doing whatever he was doing. As a result, some of my earliest memories are of attending local water district or soil conservation district meetings.

In the truck ride home from those meetings, I would pepper dad with questions about the discussions I had heard. Most of the discussions in those meetings centered around two things: water and activities that were taking place on the public lands that surrounded us and were important to Garfield County's economy.

As a kid, I did not always understand the issues discussed, but I thought the small business owners, farmers, and ranchers who volunteered their time to participate in these meetings were doing very important work. I also saw that they actually got things done. Needed facilities were built. Decisions were made. The community moved forward. Where there were disagreements, they took place with civil discussion. At times they viewed their federal neighbors as helpful, and at other times far less so.

Of course, their work was no more important than the multitude of meetings that take place every day by dedicated citizens throughout this country. But their actions, working toward the common purpose of improving things in Garfield County, were in my mind the embodiment of the 4-H pledge which includes the phrase: "I pledge my hands to larger service for my club, community, country, and world."

Now not everything in Rifle was sunshine. It was the self-proclaimed "Oil Shale Capital of the World," and suffered a dramatic economic downturn during the mid-1980s energy bust. Changing economic realities and changing federal priorities impacted both individuals and the community as a whole for years. One of those impacts, at least for me, was a sense of dread that no one, except those struggling in Garfield County, cared about its fate. That feeling was powerful. It led me to leave high school a year early to get away.

When I left, I carried with me the belief that all of us should strive to serve our community, state, or our country in some capacity; I carry it with me today as I sit before you. It is how I have lived my life.

For me, there are few missions as important as the varied missions of the Department of the Interior. It is obvious to anyone watching their kids take in the Statue of Liberty for the first time, why we protect our cultural icons for future generations. It is obvious to anyone who witnessed the efforts of the longtime leader of the Southern Ute Tribe, former Chairman Leonard C. Burch, and a water lawyer named Frank E. "Sam" Maynes to secure a water right settlement that amounted to something other than a paper water right, like occurred through the Colorado Ute Settlement Act amendments, the benefits that flow to entire communities by resolving seemingly intractable conflicts for scarce resources. And it's obvious to anyone who has shown up in Rifle Colorado during hunting season to have a chance at bagging a mule deer why access to and

maintenance of public lands is important. It's obvious to my kids every time Gena or I open the freezer and they say, please "no elk for dinner!"

Over the course of my career, I have had an opportunity to work on many complex issues affecting each of the Department of the Interior's bureaus. I understand each bureau's mission. I appreciate their history. I know the dedication of people who work at the Department. I respect the often conflicting legal and policy issues likely facing the decision-makers within the Department.

When addressing the Department's challenges I will approach them with an open mind, actively seeking input and listening to varied views and perspectives. I will ensure that the recommendations I make to the Secretary, or conclusions I draw as the Department's Chief Operating Officer, are well-informed. I took that approach as Solicitor.

When I entered the Office of the Solicitor, morale was low and the Office was facing unmet challenges. There was no real record system for the Office. Because of a long-pending lawsuit, it had been disconnected from the internet and the Department's bureaus for years. Looking at it, I was determined to improve management decisions and to establish protocols and practices that better served the public and the employees within the Office.

To do so, I carefully set our priorities to specifically address the needs of the Secretary and to improve the technological, human capital and organizational resources of the Office. After our priorities were established, I followed through with my commitment to address them. As a result, both morale and service to the public improved. I intend to bring the same determination and dedication to ensuring that the Department better serves the public and its employees.

Here are a few concrete organizational steps that I took as Solicitor. I significantly expanded the capabilities of the Department's Ethics Office. I re-organized the provision of legal services on royalty matters so that those providing counsel to the then-Minerals Management Service were more accessible to their clients. I tested different methods of better integrating attorneys into project teams in an effort to develop more defensible agency decisions. I substantially improved the organizational interaction between the Office of the Solicitor and the Office of the Inspector General. I prioritized financial resources to enhance training.

I also improved the way the Office managed information and its ability to share knowledge between regions and divisions. When I first entered the Office of the Solicitor, it was virtually impossible to obtain a quantitative analysis of its workload. When I left it could be done with the keystroke of a computer.

In addition to making these organizational changes, I did not shirk from addressing the tough legal questions. When the Department was consistently failing in its defense of certain decisions in particular areas of the law, I chose to evaluate why and explore with the bureaus alternative approaches for future decisions or policies. I listened to the lawyers in the trenches before rendering an opinion. I did this because I knew their insights were valuable. I delivered advice to the Secretary or the Deputy Secretary that was based upon my understanding of the parameters of the law as it existed, not what I wished the law said.

At his confirmation hearing before this Committee, Secretary Zinke described three immediate tasks for the Department: restoring trust by working with, rather than against, local communities and states; prioritizing the maintenance backlog of the National Parks; and ensuring that the professionals on the front lines have the right tools, resources and flexibility to make the right decisions, giving a voice to the people they serve. Anyone that has met him since he assumed command of the Department knows he is focused on these tasks.

In a short period of time, Secretary Zinke has decisively initiated efforts to advance conservation stewardship, improve game and habitat management, and increase outdoor recreation. He has issued directives intended to put America on track to achieve the President's vision for energy independence and to bring jobs back to communities across the country.

His principles for reforming the Department are straightforward and clear: empower the front lines; cut the waste, fraud and abuse; hold people accountable; make efficient use of limited resources and make investments where necessary and important. I look forward to the opportunity to serve with him.

If confirmed, I will do everything I can to promote President Trump's and Secretary Zinke's goals for the Department of the Interior. I will do so within the confines of the lawful discretion that the Congress has given the Secretary. I will do so with dedication and integrity upholding the public trust.

Thank you and I look forward to your questions.