

Trump's Interior Department Is Using The Pandemic As An Excuse To Expedite A Controversial, Decades-Stalled Project For Interior Secretary David Bernhardt's Former Client

The Move Is The Latest In A String Of Moves To Help Bernhardt's Client Divert Water From The Missouri River

The Trump Administration Wants To Expedite A Water Delivery Project For Garrison Diversion Water Conservancy District, A Former Client Of Interior Secretary David Bernhardt

The Trump Administration Is Expediting Dozens Of Infrastructure Projects During The COVID-19 Pandemic. “The Trump administration is seeking to fast track environmental reviews of dozens of major energy and infrastructure projects during the COVID-19 pandemic, including oil and gas drilling, hazardous fuel pipelines, wind farms and highway projects in multiple states, according to documents provided to The Associated Press. The plan to speed up project approvals comes after President Donald Trump in June ordered the Interior Department and other agencies to scale back environmental reviews under special powers he has during the coronavirus emergency. More than 60 projects targeted for expedited environmental reviews were detailed in an attachment to a July 15 letter from Assistant Interior Secretary Katherine MacGregor to White House economic advisor Larry Kudlow.” [Associated Press, [09/02/20](#)]

- **One Of The Expedited Projects Is The Eastern North Dakota Alternate Water Supply (ENDAWS).** “The Department's efforts to streamline environmental reviews have been underway since the start of the Trump Administration. Executive Order 13807 ‘On Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects,’ dated August 15, 2017, provided our initial blueprint. On August 31, 2017, the Department issued Secretary's Order (S.O.) 3355, which sets page and time limits and provides additional guidelines to reduce needless paperwork, focuses on important environmental consequences, ensures that reviews under the National Environmental Policy Act (NEPA) meet their original goal of providing relevant information to decision makers to inform Federal decisions, and promotes internal accountability. Since the implementation of these policies, the average time and page length required to complete an environmental impact statement (EIS) has been reduced from more than 5 years and 850 pages to 1.5 years and 145 pages. This reduction has ensured that projects stay on track, decision makers have a more useful product, and taxpayers pay less to complete NEPA reviews.” [Katherine MacGregor Letter To Larry Kudlow, [07/15/20](#)]
- **ENDAWS Is A Project Of The Garrison Diversion Water Conservancy District To Deliver More Water To The Red River Valley Water Supply Project.** ““This evaluation

of a water supply for Eastern North Dakota examines the use of existing Garrison Diversion Unit facilities to meet contemporary needs in the State,' said Area Manager Arden Freitag. 'This project will evaluate a bulk water supply to deliver an alternate water supply to the State of North Dakota's Red River Valley Water Supply Project.' Reclamation has issued a Federal Register Notice formally announcing and seeking public comment on the Draft Environmental Impact Statement for the ENDAWS Project. 'The public comment period is an important step to provide to those interested or affected by the proposed action and to gather input regarding issues or concerns,' said Freitag. The proposed action includes construction of ENDAWS project features, issuance of a water repayment contract for Garrison Diversion Unit facilities, and issuance of permits to construct and maintain ENDAWS facilities on Reclamation rights-of-way." [US Bureau of Reclamation, [06/26/20](#)]

- **Garrison Diversion Is A Former Lobbying Client Of David Bernhardt's.** "Even though Bernhardt has recused himself from weighing in on policies targeted at specific clients, such as the Garrison Diversion Conservancy District, BHFS has continued to tout its ties to top Trump officials. 'Many of the decision-makers in the agencies are former co-workers and colleagues,' BHFS wrote in a Dec. 20, 2017, letter to that district explaining why it would double its monthly fees to work on a controversial plan to tap water from the Missouri River." [Washington Post, [04/03/19](#)]

ENDAWS Is A Key Component To Revive The Garrison Diversion Project...

ENDAWS Is One Half Of Garrison Diversion's Long-Sought, Controversial Plan To Divert Missouri River Water To Other Parts North Dakota's Red River Valley. "On Oct. 16, the Garrison Diversion Conservancy District and the Lake Agassiz Water Authority convened a conference in Fargo to fan enthusiasm for the construction of a \$1.19-billion pipeline to deliver Missouri River water to Fargo North Dakota. Construction is slated to begin next spring. ENDAWS and the pipeline are not separate projects, but the two halves of the Red River Valley Water Supply project (RRVWS), a slimmed-down version the defunct Garrison Diversion. In fact, ENDAWS proposes to use already constructed features of Garrison to deliver Missouri River water to the pipeline, discharging into the Sheyenne River, which meets the Red River downstream of Fargo." [Salmon Without Borders, [11/23/19](#)]

- **The Garrison Diversion Project Has Been On Hold For Decades Over Concerns Of The Health Of The Hudson Bay Drainage In Canada.** "Garrison went into hibernation after the International Joint Commission – the bi-national administrative body of the Canada/U.S. Boundary Waters Treaty consisting of six commissioners (three from each country) – recommended in 1976 that the project not proceed because of the risk of transferring harmful invasive organisms from the Missouri to the Hudson Bay drainage." [Salmon Without Borders, [11/23/19](#)]

...A Decades-Stalled, Controversial Plan To Pipe Water From The Missouri River To The Red River Valley. Bernhardt Continued Working For Garrison Until At Least April 2017.

Garrison Diversion Conservancy District (Garrison) Is “Spearheading” A Project To Divert Missouri River Water To Supplement Water Supplies In The Red River Valley. This project has been long opposed by environmentalists. [*Pioneer Press*, [11/02/15](#)]

For Decades, Critics Have Described The Red River Valley Water Supply Project As "Costly And Environmentally Unsound" And At One Point In 1990 It Was Described As "Possibly The Most Criticized Water Project In The Nation." Garrison, possibly the most criticized water project in the nation, would divert Missouri River water for farm irrigation and municipal use. Over the years it has been attacked as being too costly and environmentally unsound. The project was scaled back under a 1986 agreement with environmental groups that shifted the focus of the project from irrigation to municipal water use. [...] The project is again in serious trouble on Capitol Hill, because of the administration's proposal to cancel it and a recent report by the Interior Department's inspector general that the project probably isn't financially feasible. The report said the farmers who would get Garrison water for irrigation will have to pay a larger share of the construction cost than they can afford." [Associated Press, 03/28/90]

Bernhardt Continued To Work For Garrison While He Was In Charge Of Donald Trump’s Interior Transition Team. On April 7, 2017, the Board of Directors of the Garrison Diversion Conservancy District had a meeting in Carrington, North Dakota. In the meeting, there was a “Report of Washington, DC, Consulting Firm,” in which “David Bernhardt, Emily Sullivan and Luke Johnson of Brownstein Hyatt Farber Schreck, participated in the meeting via conference phone” and “Mr. Bernhardt gave a summary of the DOI meeting.” [“[Board of Directors Meeting Minutes](#),” Garrison Diversion Conservancy District, 04/06/17-04/07/17]

Once Confirmed As Deputy Secretary, Bernhardt Was Recused From Working On Particular Matters Involving Garrison Diversion Irrigation District Until August 1, 2018, Under 5 CFR § 2635.502. [Bernhardt Ethics Agreement, [8/15/17](#)]

Garrison Met With Former Interior Secretary Ryan Zinke At Least Twice While David Bernhardt Was Deputy Secretary. “U.S. Interior Secretary Ryan Zinke devoted time Wednesday to touring Garrison Diversion Unit (GDU) facilities in central North Dakota. [...] Secretary Zinke’s visit with Garrison Diversion is the second meeting in less than a year. In October, Garrison Diversion and the Lake Agassiz Water Authority (LAWA) representatives traveled to Washington, D.C., to meet with Secretary Zinke and Congressman Kevin Cramer about the Red River Valley Water Supply Project (RRVWSP). [...] The RRVWSP was briefly discussed again during Secretary Zinke’s visit.” [Garrison Diversion Water Conservancy District, [05/24/18](#)]

The Garrison Diversion Conservancy District's General Manager Said He Expected His Project To "Get To Yes" Because The District's Lobbyist Was Appointed Deputy Secretary Of The Interior. "The work load at the Garrison Diversion Conservancy District headquarters in Carrington, N.D., is increasing, but the district's general manager doesn't mind. [...] The mood in Washington has shifted toward water development projects. Dekrey said he understands that the Trump administration's attitude is "Get to yes" on projects brought forward by states. Not only that, the secretary of interior is Ryan Zinke, formerly Montana's representative in the U.S. Congress, where he worked closely with North Dakota's sole representative, Kevin Cramer. Dekrey expects that will help the project 'get to yes.' There's evidence of this. The Washington lobbyist whom the Conservancy District employed to look after its interests has been named deputy secretary of Interior. His name is David Bernhardt. The appointment was greeted with dismay in the environmental community, but that doesn't dim Dekrey's optimism. [*Grand Forks Herald*, [08/01/17](#)]

In September 2018, Interior Released A Finding Of No Significant Impact For The Central North Dakota Water Supply Project, Allowing The Controversial Water Project To Move Forward. [Press Release](#), Department of the Interior, 09/10/18]

Bernhardt Also Put A Longtime North Dakota Political Operative And Lobbyist With Close Ties To Garrison In A Key Post At Interior

Andrea Travnicek Was Senior Advisor To The Governor Of North Dakota Until December 2016, And A Lobbyist At North Dakota Lobbying Firm Lockridge Grindal Nauen Until June 2017

Andrea Travnicek Was Senior Advisor To The Governor Of North Dakota Until December 2016. [["2016-2017 Registered Lobbyists,"](#) North Dakota Secretary of State, accessed 07/27/17; ["Our Businesses,"](#) Allete, accessed 07/27/17; and Andrea Travnicek LinkedIn, accessed [09/10/19](#)]

Andrea Travnick Worked As A Lobbyist At Lockridge Grindal Nauen Until June 2017., Travnick worked as a lobbyist for Lockridge Grindal Nauen, on behalf of Allete, a natural gas and coal energy company. [["2016-2017 Registered Lobbyists,"](#) North Dakota Secretary of State, accessed 07/27/17; ["Our Businesses,"](#) Allete, accessed 07/27/17; and Andrea Travnicek LinkedIn, accessed [09/10/19](#)]

Since Joining Interior, Travnicek Has Worked Closely With North Dakota's Garrison Diversion Conservancy District

Travnicek Joined Interior In July 2017

Andrea Travnicek has served in a number of high-ranking positions since she joined Interior in July 2017. She currently serves as the Deputy Assistant Secretary Land and Minerals Management. [Interior Press Release, [07/12/17](#) and Andrea Travnicek LinkedIn, accessed [09/10/19](#)]

Travnicek May Have Initially Been Precluded From Meeting With Garrison Diversion, Though It Is Not Entirely Clear

In October 2017, BHFS Lobbyist Emily Sullivan Told Garrison Diversion Staff "We Cannot Yet Meet With Andrea." It Is Not Clear From The Email If She Was Referring To Andrea Travnicek Or A Different Andrea. On October 2, 2017, BHFS lobbyist Emily Sullivan told Garrison Diversion staff "we cannot yet meet with Andrea." It is not clear if Sullivan is referring to Andrea Travnicek, Andrea Gue ([in the BOR Dakotas office](#)), or another Andrea altogether. [Records from Garrison Diversion Conservancy District, file 2, [pg. 191](#)]

But By April 2018, Andrea Travnicek Was Meeting and Working With Garrison

On April 9, 2018 At 10 AM: Garrison Diversion Staff "Had A Good Meeting" About Garrison's "Cooperative Agreements" In Interior HQ, Room 6641, With Tim Petty, David Palumbo, Deputy BOR Commissioner Grayford Payne, Commissioner Brenda Burman, And Andrea Travnicek. On April 9, 2018 at 10 am, GDCD had a "good meeting at Interior today regarding issues with Garrison Diversion cooperative agreements" in the Interior Department headquarters, in room 6641 with Tim Petty, David Palumbo, Deputy BOR Commissioner Grayford Payne, Andrea Travnicek, and Brenda Burman. [Records from Garrison Diversion Conservancy District, file 4, [pg. 241](#) and [pg. 313](#); Andrea Travnicek Calendar, [July 2017 to July 2019](#); and David Bernhardt Calendar, [April 2018](#)]

The Following Week, Administrative Officer of the Garrison Diversion Conservancy District Merri Mooridian Thanked Andrea Travnicek For Meeting With Them, And Sent Travnicek A One-Pager With Garrison's Complaints About BOR Lack Of MR&I Funding. On April 17, 2018, Merri Mooridian emailed Andrea Travnicek, thanking her for meeting with them the previous week, and giving Garrison's read on the BOR MR&I funding delay, saying "nine project sponsors followed this new approach and awarded construction contracts - legally binding contracts - for their projects under the assumption that Reclamation would approve the construction of the projects within 30 days and add them to the cooperative agreement. The first round of approving projects in this manner worked as planned. Three projects were approved for construction and added to the cooperative agreement within 30 days. Since then, six more water systems have awarded construction contracts and that information was sent to Reclamation between January 3, 2018, and March 31, 2018, and not a single one of those projects has been approved for construction. Reclamation informed Garrison Diversion that the delay in the approval process is due to the fact that each project now requires 'Secretarial Review'. As

stated, nine projects have signed legally binding construction contracts and have started construction." [Records from Garrison Diversion Conservancy District, file 4, [pg. 243](#)]

By May 2018, Less Than A Month After First Meeting With Travnicek, Garrison Diversion Had Gotten Approval To Pay For Construction Expenses Related To Their Cooperative Agreement

On May 1, 2018, Garrison Diversion Thanked Andrea Travnicek For Her "Assistance Regarding The MR&I Cooperative Agreement Issues - We Now Have Approval To Pay The Projects For Construction Expenses!" On May 1, 2018, Merri Mooridian emailed Andrea Travnicek, thanking Travnicek for her "assistance regarding the MR&I cooperative agreement issues - we now have approval to pay the projects for construction expenses!" [Records from Garrison Diversion Conservancy District, file 4, [pg. 245](#)]

On May 25, 2018, "As Requested," Merri Mooridian Sent Andrea Travnicek The "Current GDU Facilities O&M Cooperative Agreement," Containing The "'Scope Of Work' That References The 'Maintenance Of Minimum Basic Recreation Facilities.'" [Records from Garrison Diversion Conservancy District, file 4, [pg. 249](#)]

Andrea Travnicek Toured Garrison Diversion's Facilities On May 23, 2018, With Then-Secretary Ryan Zinke and Garrison's Administrative Officer Merri Mooridian

Andrea Travnicek And Then-Secretary Ryan Zinke Toured Garrison Diversion's Facilities On May 23, 2018. and On May 23, 2018, Andrea Travnicek and then-Secretary Ryan Zinke toured Garrison's facilities, including the McClusky Canal/Snake Creek Pumping Plant. [Ryan Zinke, [2018 travel records](#), page 298]

Administrative Officer of the Garrison Diversion Conservancy District Merri Mooridian Had Asked Andrea Travnicek: "Let Me Know About Jamestown Reservoir - Not To Insert Myself In The Tour. But I Do Have A Cabin On The Reservoir And Would Love To Join You On Your Tour." On May 18, 2018, Andrea Travnicek and Merri Mooridian had an email exchange about then-Secretary Ryan Zinke's potential tour of the Garrison Diversion Unit, and who send invites to for it. Mooridian also wrote: "Let me know about Jamestown Reservoir - not to insert myself in the tour. But I do have a cabin on the reservoir and would love to join you on your tour." [Records from Garrison Diversion Conservancy District, file 4, [pg. 259](#)]

- **Garrison's Merri Mooridian Has Also Emailed BHFS Lobbyists, Saying She Had A "Personal Stake" Relating To Jamestown Reservoir, Presumably Due To Her Cabin.** On July 3, 2018, Merri Mooridian emailed BHFS lobbyist Emily Sullivan saying she had a "personal stake in the ND bill relating to Jamestown Reservoir," which appears to be HR. 6039, a bill introduced by Rep. Kevin Cramer. Cramer's bill established "a procedure

for the conveyance of certain federal property around the Jamestown Reservoir in North Dakota" to "transfer all recreation and permitted cabin land from the Bureau of Reclamation to the Stutsman County Park Board. The legislation also outlines the process for the Park Board to sell the permitted cabin land to the current homeowners." [Records from Garrison Diversion Conservancy District, file 4, [pgs. 61-62](#) and Rep. Cramer Press Release, 07/11/18]

- **Per Nexis, Merri Mooridian Owns Or Owned Property Near The Jamestown Reservoir (On West Lakeside Road).** [LexisNexis search for Merri Mooridian, 08/12/19]

On May 25, 2018, Merri Mooridian Gave Andrea Travnicek A "Big Thank You [...] For Visiting The GDU Facilities!" On May 25, 2018, Merri Mooridian emailed Andrea Travnicek, giving "a big Thank You to you and the Secretary for visiting the GDU facilities!" [Records from Garrison Diversion Conservancy District, file 4, [pg. 249](#)]

Andrea Travnicek May Have Also Attended A September 4, 2018 Meeting Between Garrison Diversion And The Bureau Of Reclamation Staff

Andrea Travnicek Said Would Try To "Swing By" The September 4, 2018 Meeting Between Garrison Diversion Staff And Bureau Of Reclamation Staff. On September 4, 2018, Garrison Diversion staff planned to have a meeting at Bureau of Reclamation headquarters with BOR staff Chief of Staff James Hess, Assistant Deputy Commissioner Mathew Maucieri, and GP Regional Liaison Nathan Watson. On August 29, 2018, Merri Mooridian emailed Andrea Travnicek to inform her of the meeting, and Travnicek said she would "see if [she] can swing by." [Records from Garrison Diversion Conservancy District, file 4, [pg. 257](#)]

David Bernhardt's Agenda To Deregulate Public Lands Oil And Gas Development Broadly Benefits Dozens Of His Former Clients

David Bernhardt Represented Oil And Gas Industry Associations Covering The Entire Oil Industry

David Bernhardt was Recused from Working on Particular Matters Involving IPAA until August 3, 2019 Under EO 13770. [[Bernhardt Ethics Agreement](#), 8/15/17]

David Bernhardt was Recused from Working on Particular Matters Involving the U.S. Oil and Gas Association until August 3, 2019 Under EO 13770. [[Bernhardt Ethics Agreement](#), 8/15/17]

ACCOUNTABLE^{US}

- **Bernhardt Was Also Recused from Working on Particular Matters Involving the U.S. Oil and Gas Association until July 29, 2018, Under 5 CFR § 2635.502.** [[Bernhardt Ethics Agreement](#), 8/15/17]

David Bernhardt was Recused From Working On Particular Matters Involving The National Ocean Industry Association (NOIA) Until August 3, 2019 Under EO 13770. [[Bernhardt Ethics Agreement](#), 08/15/17]

During the December 2018-January 2019 Government Shutdown, the Bureau of Safety and Environmental Enforcement (BSEE) Approved Offshore Drilling Permits For 53 Companies That Are Members Of NOIA. [[Medium](#), 01/30/19; [EcoRI News](#), 01/14/19]

David Bernhardt's Former Clients Also Include Individual Mining And Oil Companies With Business On Federal Lands

David Bernhardt Lobbied On Behalf of Samson Resources, Co. David Bernhardt, in 2012 and 2013, lobbied the federal government on behalf of Samson Resources Co., which is an oil and gas company with operations “primarily in the Rocky Mountain, Mid-Continent, and East Texas regions.” [[Center for Responsive Politics, Lobbying, Bernhardt, David L, 2012, 2013](#), accessed 01/18/17; [Bloomberg](#), accessed 01/18/17]

David Bernhardt Was Recused from Working on Particular Matters Involving Noble Energy. until August 3, 2019 Under EO 13770. [[Bernhardt Ethics Agreement](#), 8/15/17]

David Bernhardt Was Recused from Working on Particular Matters Involving ENI Petroleum until August 3, 2019 Under EO 13770. [[Bernhardt Ethics Agreement](#), 8/15/17]

David Bernhardt Was Recused from Working on Particular Matters Involving Halliburton Energy Services. until August 3, 2019 Under EO 13770. [[Bernhardt Ethics Agreement](#), 8/15/17]

David Bernhardt Was Recused from Working on Particular Matters Involving Hudbay. until August 3, 2019 Under EO 13770. [[Bernhardt Ethics Agreement](#), 8/15/17]

David Bernhardt Was Recused from Working on Particular Matters Involving Rosemont Copper. until August 3, 2019 Under EO 13770. [[Bernhardt Ethics Agreement](#), 8/15/17]

David Bernhardt Represented Ur-Energy USA Inc. from 2009 to 2012. [U.S. Senate Committee on Energy and Natural Resources Statement by David Bernhardt Pertaining to His 2017 Nomination To Be Deputy Secretary]

David Bernhardt Represented American West Potash, Which Is A Subsidiary Of Prospect Global Resources, From 2012 To 2014. [[U.S. Senate Committee on Energy and Natural Resources Statement by David Bernhardt](#) , 05/11,17]