



## United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

June 5, 2017

Mr. David L. Bernhardt  
Brownstein Hyatt Farber Schreck, LLP  
1155 F Street, NW  
Washington, DC 20004

Dear Mr. Bernhardt:

If confirmed by the Senate as Deputy Secretary of the Department of the Interior, I ask that you recuse yourself in writing from any matters pertaining to Cadiz, Inc. for the full duration of your appointment.

I commend your history of public service and efforts to expand the capabilities of the Department of the Interior's Ethics Office during your tenure in the Bush Administration. I hope that you will take the commonsense step, as several of your predecessors have, to recuse yourself from even the appearance of impropriety or conflicts of interest, especially involving matters that directly benefit your former clients or in which you may retain a direct financial interest.

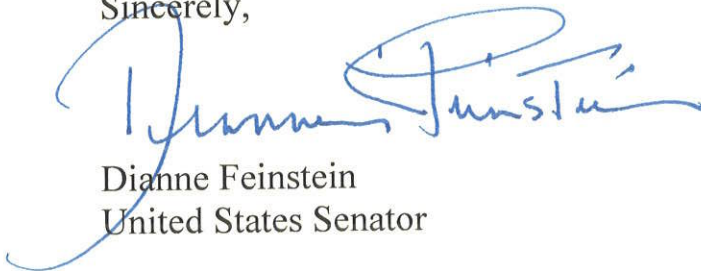
In addition, I ask that you make available any waiver you or your staff seek from the Office of Government Ethics, especially on any matters related to Cadiz, Inc. In your written responses to the Senate Committee on Energy and Natural Resources, you committed to "discuss whether such a request should be made public." I hope that you will commit to make any ethics waiver public, as was standard practice during previous Administrations.

As you may know, I strongly oppose Cadiz, Inc.'s proposal to drain groundwater from an aquifer below California's Mojave Trails National Monument for sale to urban water users. Cadiz, Inc. has repeatedly sought to evade federal environmental reviews of its project, which I believe will demonstrate the project's unsustainability. However, the previous Administration ruled that Cadiz, Inc. was required to seek federal approval to build its water pipeline across protected federal lands. Given the fact that your current firm,

Brownstein Hyatt Farber Schreck, LLP, is contracted to lobby on behalf of Cadiz, Inc., I remain deeply concerned about any potential conflict of interest should you serve as Deputy Secretary of the Department of the Interior – the agency responsible for oversight of the federal lands related to the Cadiz proposal.

Thank you for your attention to these matters, and I look forward to your response.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dianne Feinstein", with a large, stylized flourish extending from the end of the signature.

Dianne Feinstein  
United States Senator

DF/as