



PROTECT the PUBLIC'S TRUST

VIA ELECTRONIC MAIL

January 30, 2023

TO: The Honorable Mark Lee Greenblatt
Inspector General
U.S. Department of the Interior
1849 C Street NW – MS 4428
Washington, D.C. 20240

Heather C. Gottry
Director and DAEO
Departmental Ethics Office, Office of the Solicitor
U.S. Department of the Interior
1849 C Street NW – MS 5311
Washington, D.C. 20240

CC: Emory A. Rounds
Director
U.S. Office of Government Ethics
1201 New York Ave NW #500
Washington, D.C. 20005

Re: Request for Investigation into Possible Ethics Violations by Nada Culver, Principal Deputy Director, Policy and Programs for the Bureau of Land Management

Dear Mr. Greenblatt and Ms. Gottry,

Through our investigatory efforts into ethics violations and misconduct at the Department of the Interior, we have discovered an unsettling new development pertaining to additional potential ethics violations involving Ms. Nada Culver. The alleged violations we identify below further undermine confidence in Secretary Deb Haaland and her Department leadership's commitment to ethics compliance. Ms. Culver's unwillingness to comply with basic, and repeated, instructions of the Department's Ethics Office is a lesson in how not to advance the public interest and why public trust in the federal government is plummeting.

An investigation is needed to understand the breadth of Ms. Culver's involvement in a particular matter involving oil and gas in Alaska – one which implicated prohibited financial investments she held for nearly five months into her tenure. Protect the Public's Trust (PPT) is a collection of individuals concerned with precisely the type of reckless disregard for ethics and integrity in public service implicated here. In pursuit of this mission, we request that you open an investigation into this matter.



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OVERVIEW

At issue are apparent ethical breaches by Ms. Nada Culver while serving at the Department of the Interior (“Interior”) beginning on March 1, 2021, as a Senior Advisor to the Secretary¹ and from April 11, 2021 to August 16, 2021, as Deputy Director, Programs and Policy for the Bureau of Land Management (“BLM”).²

Throughout this period, Ms. Culver was subject to Interior’s ethics regulations that, among other obligations, precluded her from holding financial interests on Interior’s “List of Prohibited Financial Interests,” which in 2021 included stock and bond interests in ConocoPhillips (“Conoco”).³ It appears, however, that from March 1 to August 16 of 2021, Ms. Culver retained financial interests in Conoco, despite having been repeatedly advised by the Departmental Ethics Office (“DEO”) that such holdings were prohibited by Interior’s ethics regulations and finally being directed by the DEO to divest herself of all financial interests in the oil and gas sector immediately. Nonetheless, and despite having agreed to make the divestitures, Ms. Culver did not sell her interests in Conoco for more than three and a half months, during which time she personally took a series of substantial actions pertaining to BLM’s oil and gas program that may have benefited Conoco in apparent derogation of her obligations under Federal ethics law and the Department’s regulations.

These revelations also come on the heels of an Inspector General’s Report finding that Ms. Culver had violated her obligations under the Biden Administration’s Ethics Pledge by meeting with a former employer.⁴ Ms. Culver’s actions as discussed below provide further evidence of her cavalier attitude toward her ethics obligations and disdain for the public’s perception of partiality to which her actions give rise. For the following reasons, we urge your office to open a new investigation into Ms. Culver’s actions.

¹ See Document (“Doc.”) 46, 165. Unless specified otherwise, Document numbers are from the pagination of the pdf download of the documents produced to PPT by Interior on August 15, 2022, in response to a Freedom of Information Act Request submitted by PPT on February 11, 2022 and identified by Interior as DOI FOIA # SOL-2022-002095, https://protectpublictrust.org/wp-content/uploads/2023/01/22-2095_Rel_887pgs_Redacted.pdf

² See Doc. 133. In this role she exercised the Delegated Authority of the Director of the Bureau of Land Management (BLM). See Doc. 18 n.26.

³ Doc. 58.

⁴ [Report of Investigation OI-SI-21-0728-I \(doioig.gov\)](https://www.doioig.gov/sites/default/files/2021-migration/WebRedacted_BLMethicsPledgeViolation.pdf), last visited Jan. 22, 2022, https://www.doioig.gov/sites/default/files/2021-migration/WebRedacted_BLMethicsPledgeViolation.pdf



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I. MS. CULVER HELD PROHIBITED FINANCIAL INTERESTS IN CONOCO

A. Financial Conflict of Interest Regulations

1. Office of Government Ethics

Office of Government Ethics (“OGE”) regulations allow an agency to adopt regulations that prohibit or restrict the holding of specified financial interests by agency employees and the spouses of those employees.⁵ Any such regulation must be based on “the agency's determination that the acquisition or holding of such financial interests would cause a reasonable person to question the impartiality and objectivity with which agency programs are administered.”⁶

Whenever an agency adopts its own supplemental regulations directing divestiture of financial interests the employee is to be given a reasonable period of time, considering the nature of his particular duties and the nature and marketability of the interest, within which to comply with the agency's direction to divest.⁷ Except in cases of unusual hardship, a reasonable period shall not exceed 90 days from the date divestiture is first directed.⁸ Pursuant to OGE’s authorization, Interior has adopted supplemental regulations that prohibit or restrict the holding of specified financial interests by employees of the Office of the Secretary and BLM.

2. Department of the Interior – Office of the Secretary

As noted, Ms. Culver held the position of Senior Advisor to the Secretary from March 1, 2021 to April 11, 2021. Interior’s supplemental ethics regulations prohibit employees of the Office of the Secretary from holding, directly or indirectly, any financial interest in Federal lands or resources administered or controlled by Interior.⁹ This prohibition precludes the employee from owning stock *or bond* investments (including imputed ownership by a spouse) in many companies that hold DOI-granted permits and leases in Federal lands.¹⁰ Pursuant to these provisions, each year the DEO compiles a list of prohibited investments and the 2021 list prohibited investments in Conoco.¹¹

3. Department of the Interior – Bureau of Land Management

As pertinent to this Complaint, Ms. Culver served as Deputy Director of Policy and Programs for the BLM from April 11, 2021 through August 16, 2021. Throughout this time period, BLM had in place supplemental ethics financial conflict of interest regulations specifically applicable to its

⁵ 5 C.F.R. § 2635.403(a).

⁶ *Id.*

⁷ 5 C.F.R. § 2635.403(d).

⁸ *Id.*

⁹ 43 C.F.R. § 3501.103(b).

¹⁰ *See* Doc. 49-50, 58-62, 144.

¹¹ *Doc.* 58-62.



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employees.¹² Pursuant to these provisions, BLM adopted its own 2021 prohibited financial holdings list that included interests in Conoco.¹³

4. Requirement to Avoid Even the Appearance of a Conflict of Interest, Financial or Otherwise

Government-wide regulations at 5 C.F.R. § 2635.502 “Personal and Business Relationships” direct an employee to avoid even the appearance of partiality in holding certain financial interests. In this regard, § 2635.502(a), “Consideration of appearances by the employee” provides:

Where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his household, or knows that a person with whom he has a covered relationship is or represents a party to such matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem and received authorization from the agency designee in accordance with paragraph (d) of this section.

For purposes of this regulation, a covered relationship includes a relationship with a person with whom the employee has a contractual or other financial relationship that involves other than a routine consumer transaction.¹⁴ In light of the facts discussed immediately below, a reasonable person would question Ms. Culver’s impartiality with respect to actions she took while holding a prohibited financial interest in Conoco.

B. Ms. Culver Worked on a Particular Matter Involving Conoco While Holding a Prohibited Interest in the Company

1. Ms. Culver Was Repeatedly Advised of Her Ethics Obligations to Divest of Interests in Oil and Gas Companies, Including Conoco, But Did Not Do So

Ms. Culver should have been well aware of her obligations to divest of interests in Conoco. Indeed, nearly two months *before* Ms. Culver joined Interior, the DEO, working in concert with the agency team handling ethics matters for the Biden transition, provided Ms. Culver with

¹² See 43 C.F.R. § 20.401 “Interests in Federal lands” and 43 C.F.R. §3501.103 “Prohibited interests in Federal lands.” § 20.401 implements 43 U.S.C. § 11, which provides for the immediate removal of any BLM employee who violates its provisions. §3501.103(b) prohibits stock or bond investments in many companies that hold DOI-granted permits and leases in Federal lands. See Doc. 90.

¹³ [BLM Prohibited Holdings List 2021, https://www.blm.gov/sites/blm.gov/files/docs/2021-01/2021 BLM Prohibited Holdings List and Financial Guide_Final.pdf](https://www.blm.gov/sites/blm.gov/files/docs/2021-01/2021%20BLM%20Prohibited%20Holdings%20List%20and%20Financial%20Guide_Final.pdf).

¹⁴ § 2635.502(b).



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Interior's list of prohibited financial holdings and asked her to review it.¹⁵ The list of prohibited financial holdings for 2021 included Conoco bonds.¹⁶

Ms. Culver joined Interior on March 1, 2021 and received ethics training that same day.¹⁷ Such training typically includes a discussion of ethics obligations pertaining to financial conflicts of interest. The following day, the DEO emailed Ms. Culver regarding her ethics obligations, specifically including her need to avoid financial conflicts of interest and advising that the financial interests of her spouse would be imputed to her.¹⁸ The DEO also provided Ms. Culver with a draft "Interim Ethics Guidance on Recusal Obligations" dated March 2, 2021, that stated, "Based on information you provided to the DEO, you did not identify specific personal and/or imputed financial interests, (including prohibited interests listed on the 2021 Prohibited Investments . . .) that could create recusal obligations while you are serving in the position of Senior Advisor to the Secretary."¹⁹

On March 11, 2021, the DEO provided Ms. Culver with her final Interim Recusal Guidance. Unlike the March 2 draft Guidance, the final document indicated that Ms. Culver held prohibited financial holdings identified on Interior's 2021 List of Prohibited Financial Interests.²⁰ After reviewing the draft, Ms. Culver responded, "This looks good to me."²¹ A month later, on April 11, 2021, Ms. Culver was appointed Deputy Director, Programs and Policy for BLM and the next day she submitted her Form 278e, reflecting her financial interests in Conoco.²²

Shortly after Ms. Culver submitted her Form 278e, the DEO became concerned about her continued holdings of prohibited investments in oil and gas companies. The DEO engaged in a frantic effort to have Ms. Culver divest these interests, especially in light of her preparation for impending Senate testimony on BLM's oil and gas leasing program. Specifically, on April 23, 2021, the DEO contacted Ms. Culver at 4:34 a.m. via email stating:

[W]e need to connect as early as possible today and get some additional information from you about your investments. We were asked to look at your travel to testify on BLM oil and gas leasing activity. When we reviewed your disclosure as part of our ethics clearance process, **we became aware that you possibly own DOI prohibited stock and likely own stock in oil and gas companies over the de minimis conflicts threshold.** We need to connect and get detailed information on the holdings in your investment accounts (yours and your

¹⁵ Doc. 184-187.

¹⁶ Doc. 58.

¹⁷ See Doc. 46, 165.

¹⁸ Doc. 216-218.

¹⁹ Docs. 39-45, 165.

²⁰ Doc. 47.

²¹ Doc. 538.

²² OGE 278e, Public Financial Disclosure Report submitted by Ms. Culver on April 12, 2021, <http://protectpublictrust.org/wp-content/uploads/2023/01/Culver-Nada-L.-OGE-Form-278e-4.12.21.pdf>.



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spouse's, as they are imputed to you) and have a discussion.²³ (Emphasis added).

Given the gravity of the situation, Ms. Culver agreed to participate in a call with the DEO that morning from her car.²⁴ At 9:30 a.m., the DEO sent a confirming email to Ms. Culver stating:

Thank you for your call just now. You have confirmed that you will call your broker this morning and execute a sale of you and your husband's entire position in the following, as reported on your financial disclosure:

[Redacted]

As we discussed, **you will not participate in any BLM issue, action, or decision that could affect your energy holdings (including meetings or preparation for the upcoming hearing on BLM's oil and gas leasing program) until you have divested these interests.** You have informed us that you have spoken to your broker and he will execute the sale this morning and confirm the sale in writing.²⁵ (Emphasis added).

The specific energy holdings to which the DEO referred have been redacted in the copies provided to PPT. Later that same morning, Ms. Culver responded, "On it!"²⁶

The DEO also sent an email that morning to the highest-ranking legal officer at Interior about an "urgent ethics matter":

Monica and I would like to brief you an emerging ethics issue involving Nada Culver and her current directed and imputed ownership of prohibited and above de minimis holdings. We are available when convenient for you, but it would be helpful to touch base this morning if at all possible.

In an email from the same chain later that morning marked "urgent ethics matter" the DEO explained to Interior's highest ranking legal officer:

I just had a phone conversation with Nada Culver. Nada agreed to sell 100% of her and her husband's holdings in all oil and gas investments, including Berkshire Hathaway and Enbridge, and has already spoken to her broker to give instructions on the sale. I explained to Nada that *she must recuse from all BLM work affecting the oil and gas sector, including preparation for next week's hearing on the BLM Oil and Gas Leasing program, until the sale is fully executed and she and her*

²³ Doc. 335.

²⁴ *Id.*

²⁵ Doc. 334.

²⁶ Doc. 337.



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husband no longer own the energy sector holdings.

Nada indicated that she understood the seriousness of this obligation and agreed to send our office written confirmation of the sale as soon as she receives it from her broker.²⁷ (Emphasis added).

More than three weeks later, on May 19, 2021, Ms. Culver submitted an OGE Form 278-T indicating that she had sold *some* prohibited financial interests in oil and gas companies. Yet she continued to hold her financial interest in Conoco despite the DEO's urgent warning that she must divest.²⁸ Documents produced to PPT show that her sale of the Conoco bonds did not occur until August 16, 2021.²⁹

Ms. Culver's ultimate divestiture of Conoco came more than 90 days after: 1) she was first advised by the DEO of her obligations with respect to prohibited financial interests before joining Interior; 2) her ethics training on March 2, 2022; 3) her final Interim Ethics Guidance from the DEO, and; 4) the urgent admonition of the DEO that she divest all oil and gas interests immediately and her unequivocal agreement to do so. In fact, however, the sale of her interest in Conoco came more than 110 days after the last of these events, the admonition of the DEO on April 27, 2021. These facts strongly suggest that Ms. Culver violated Interior's supplemental regulations for the Office of the Secretary and BLM pertaining to financial conflicts of interest.

2. Ms. Culver Participated in Several Particular Matters Potentially Affecting Her Covered Relationship With Conoco

a. Ms. Culver Prepared for And Provided Sworn Testimony to the Senate on BLM's Oil And Gas Leasing Program While Holding Prohibited Financial Interests in Conoco

Despite the DEO's direction that she divest herself of all financial stakes in oil and gas companies, Ms. Culver continued to hold financial interests in Conoco while she continued to prepare for and then delivered sworn testimony before the Senate Energy and Natural Resources Committee's oversight hearing on BLM's oil and gas leasing program on April 27, 2021.³⁰ This hearing predictably addressed leasing in Alaska, including several BLM leases that are highly valuable to Conoco, known as the "Willow Project."

²⁷ Doc. 512.

²⁸ Periodic Transaction Reports 278-T submitted by Ms. Culver on May 19, 2021, <https://protectpublicstrust.org/wp-content/uploads/2023/01/Culver-Nada-278T-2021.05.19.pdf>

²⁹ Periodic Transaction Report 278-T submitted by Ms. Culver on September 26, 2021, <https://protectpublicstrust.org/wp-content/uploads/2023/01/Culver-Nada-278T-2021.09.26.pdf>.

³⁰ [Congressional_20210427_SENR.pdf \(blm.gov\)](https://www.blm.gov/sites/blm.gov/files/docs/2021-05/Congressional_20210427_SENR.pdf), https://www.blm.gov/sites/blm.gov/files/docs/2021-05/Congressional_20210427_SENR.pdf. Last visited Jan. 22, 2023.



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By way of background, oil and gas leasing in Alaska has been a contentious political matter for decades. During this time, Conoco had obtained oil and gas leases in the National Petroleum Reserve, the development of which came to be known as the Willow Project. In an action directed by Congress, but anathema to the goal of environmental organizations, including several of Ms. Culver's former employers, on August 17, 2020, then-Secretary of the Interior David Bernhardt signed the "Record of Decision ("ROD") for the Coastal Plain Oil and Gas Leasing Program" (Coastal Plain Program) within the Alaska National Wildlife Refuge.³¹ The development of oil and gas leases on the Coastal Plain raised the prospect of direct economic competition for oil and gas produced from Conoco's Willow Project. Given the controversy over the Biden Administration's and Interior's actions involving oil and leasing, especially in Alaska, it is virtually inconceivable that Ms. Culver's preparation for Senate testimony did not include discussion of oil and gas leasing in Alaska, the Coastal Plain Program or Conoco's controversial Willow Project.

Indeed, before her Senate testimony a briefing on "Hot Topics" in Alaska was being organized for Ms. Culver.³² Invitees appear to have included Michael Nedd (Deputy Director for Operations – where he oversees daily activities and initiatives for all of the BLM), Chad Padgett (Alaska State Director for the BLM), Erika Reed (Associate State Director for BLM Alaska), and Kevin Pendergast (Deputy State Director for Resources for BLM Alaska). Interior was in the process of reconsidering the Coastal Plain leases and Conoco was an intervenor in a lawsuit challenging the Willow Project at the time.³³ It is highly unlikely that any such meeting would not have included a consideration of the status of the lightning-rod Willow Project as well as oil and gas leases held by some of Conoco's competitors under BLM's Coastal Plain Program in Alaska.

Predictably, during the Senate hearing Ms. Culver was asked a direct question about the Willow Project by Alaska Senator Lisa Murkowski to which Ms. Culver responded without disclosing her interest in Conoco.³⁴ Ms. Culver's testimony before the Senate clearly put her in a position where she could affect the marketability or market resale value of the bond through the public's perception of the economic fortunes of Conoco.

³¹ [Coastal Plain Oil and Gas Leasing Program Record of Decision August 2020 \(blm.gov\), https://eplanning.blm.gov/public_projects/102555/200241580/20024135/250030339/Coastal Plain Record of Decision.pdf](https://eplanning.blm.gov/public_projects/102555/200241580/20024135/250030339/Coastal%20Plain%20Record%20of%20Decision.pdf). Last visited Jan. 22, 2023.

³² Email from Fran Blassing to Eileen Frost dated March 15, 2021, https://protectpublictrust.org/wp-content/uploads/2023/01/RE_-Alaska- Hot-Topics -Meeting_Redacted.pdf.

³³ See *Sovereign Inupiat for a Living Arctic v. BLM*, 20-cv-00290-TMB.

³⁴ [Senate holds hearing on oil and gas leasing | FULL - YouTube at 1:45:10, https://www.youtube.com/watch?v=7gxzs_3AW6c](https://www.youtube.com/watch?v=7gxzs_3AW6c). Last visited Jan 22, 2023.



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b. Ms. Culver Participated Personally And Substantially in Actions That May Have Given Conoco a Competitive Advantage in Oil and Gas Production in Alaska

Conoco is the largest producer of crude oil in Alaska and has been a leader in oil and gas exploration and development in the state for decades.³⁵ For several years, the company has held oil and gas leases sold by BLM in the National Petroleum Reserve in Alaska which, as noted, are to be developed in the Willow Project.³⁶ The Willow Project is expected to produce approximately 600 million barrels of oil equivalent over the life of the Project.³⁷ Permitting for the Willow Project made significant progress under the Trump Administration but had come under intense scrutiny in the new Administration, along with other BLM leasing programs in Alaska. Whether Interior allows Conoco to develop the Willow Project will almost certainly have significant implications for the company. As noted above, BLM also has entered into a number of oil and gas leases under the Coastal Plain Program that, once developed, would likely be in direct competition with production from Conoco's Willow Project.

In early June of 2021, there was a flurry of activity at Interior surrounding oil and gas leasing in Alaska affecting both the Coastal Plain Program and Conoco's Willow Project in which Ms. Culver appears to have played a personal and substantial role. On June 1, 2021, Interior issued Secretary's Order No. 3401, which identified purported deficiencies in the NEPA analysis supporting the Coastal Plain Program, directed a temporary halt on all Interior activities related to the Program and required Interior to conduct a new environmental analysis.³⁸ Even more significant was the Secretary's delegation of her authority in the Order to Ms. Culver with respect to the leases in the Coastal Plain Program.³⁹

The same day, Interior issued a "Suspension of Operations and Production," to a number of leaseholders in Coastal Plain Program and Ms. Culver was named as the point of contact for the affected leaseholders regarding the suspensions.⁴⁰ Notably, however, none of these actions directed at halting development of BLM's oil and gas leasing in Alaska affected the Willow Project, and Conoco only stood to benefit from the suspensions of competing Alaskan producers.

³⁵ [ConocoPhillips \(COP\) Gains Biden's Support for Willow Project | Nasdaq, July 12, 2022](https://www.nasdaq.com/articles/conocophillips-cop-gains-bidens-support-for-willow-project), <https://www.nasdaq.com/articles/conocophillips-cop-gains-bidens-support-for-willow-project>. Last visited Jan. 22, 2023.

³⁶ [22copa013-willow-fact-sheet-r7-14-9-003.pdf \(conocophillips.com\)](https://static.conocophillips.com/files/resources/22copa013-willow-fact-sheet-r7-14-9-003.pdf), <https://static.conocophillips.com/files/resources/22copa013-willow-fact-sheet-r7-14-9-003.pdf>. Last visited Jan. 22, 2023

³⁷ *Id.*

³⁸ [Secretary's Order 3401 \(doi.gov\)](https://www.doi.gov/sites/doi.gov/files/elips/documents/so-3401-comprehensive-analysis-and-temporary-halt-on-all-activitives-in-the-arctic-national-wildlife-refuge-relating-to-the-coastal-plain-oil-and-gas-leasing-program.pdf), <https://www.doi.gov/sites/doi.gov/files/elips/documents/so-3401-comprehensive-analysis-and-temporary-halt-on-all-activitives-in-the-arctic-national-wildlife-refuge-relating-to-the-coastal-plain-oil-and-gas-leasing-program.pdf>

³⁹ *Id.* at Sec. 5b. (Delegating the Secretary's authority over the Coastal Plain Program to, among other officials, the "Deputy Director for Policy and Programs for the BLM," *i.e.*, Ms. Culver).

⁴⁰ Notice of Suspension of Operations and Production, dated June 1, 2021, <https://protectpublictrust.org/wp-content/uploads/2023/01/LDD-Coastal-Plain-letter.pdf>.



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It is virtually inconceivable that Ms. Culver was not part of the decision making that resulted in her having the power to ensure that no production took place on the competing Coastal Plain Program leases.

c. Ms. Culver Contacted Conoco Directly About BLM's Decision Making on Oil and Gas Leasing in Alaska While Holding Prohibited Interests in Conoco

On or about June 1, 2021 – the very day Ms. Culver was placed in a position of authority over the suspension of leases in the Coastal Plain Program – Interior cleared important environmental reviews for the master development plan for the Willow Project, which allowed the stalled approval process for the Project to move forward. In response to Interior's clearance, and also on June 1, 2022, Conoco issued a press release stating that the company was pleased that the master development plan for the Willow Project had cleared review by Interior, which Conoco described as a major milestone in the development of the Project.⁴¹ Conoco's statement noted that the approval had come in the wake of consultation with cooperating agencies, including BLM.

The next day, June 2, 2022, Ms. Culver contacted the Alaska State Director of BLM and inquired: "if you have a good contact at Conoco to ask about that statement, then I'd really appreciate talking to them about it, as well."⁴² The subject of the statement is not identified in the email, though the timing suggests that it is related to the statement in Conoco's Willow Project press release of the day before.

At the same time, the decision to move forward with the Willow Project was the subject of sharp public criticism as reflected by a Wall Street Journal article, also published on June 1, 2021, indicating that some believed approval of the Willow project was "benefiting ConocoPhillips . . . at the expense of environmental and tribal groups challenging the projects."⁴³ We believe substantial additional records exist that demonstrate Ms. Culver's involvement in the Willow Project and engagement with Conoco specifically. Many of these records and officials likely to possess direct knowledge would require direct outreach from the IG's office.

⁴¹ *ConocoPhillips Alaska Willow Master Development Plan Clears DOI Review*, ConocoPhillips Alaska (June 1, 2021), <https://static.conocophillips.com/files/resources/nr-ak-june-2021-willow-master-development-plan-cle.pdf>. Last visited Jan. 22, 2023.

⁴² Email from Nada Culver dated June 2, 2021, re: "Lease Suspension Notices," <http://protectpublicstrust.org/wp-content/uploads/2023/01/Culver-letter-asking-Conoco-contact-REDACTED.pdf>.

⁴³ *Biden Administration Supports Oil, Mining Projects Backed by Trump - WSJ*, dated June 1, 2021, <https://www.wsj.com/articles/biden-administration-supports-oil-mining-projects-backed-by-trump-11622552402>.



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C. Ms. Culver's Failure to Divest Her Interests in Conoco While Also Taking Actions That Benefited Conoco Appears to Violate Ethics Regulations

At all times relevant to this Complaint, Ms. Culver held interests in Conoco imputed to her from her husband's bond holdings. Conoco was on lists of prohibited holdings at Interior. By regulation, the inclusion of Conoco on the lists of prohibited investments must be based on determinations that holding such an interest "would cause a reasonable person to question the impartiality and objectivity with which agency programs are administered."⁴⁴ Ms. Culver had been provided with information from the DEO indicating that Conoco was on the list of prohibited investments even before joining Interior. Additionally, Ms. Culver was advised by the DEO in draft and final Ethics Guidance that she must divest of any prohibited financial interests in oil and gas companies on the list or immediately implement the required recusal. Yet Ms. Culver did not divest of her interests in Conoco at that time nor did she do so for more than 110 days (under the most favorable timeline).

By retaining her interests in Conoco for more than 110 days after a most frantic call by the DEO urging her to do so, Ms. Culver almost certainly violated at least one of the Department's regulations on owning prohibited financial investments. Making matters worse, it seems she was personally and substantially involved in a particular matter involving Conoco, to the detriment of its direct competitors in the Alaska oil and gas industry. PPT has reason to believe that a full investigation by the IG's office will bear this out.

Ms. Culver's appearance before Congress, and direct engagement on the Willow Project without disclosure of her ownership of a prohibited financial investment in Conoco, raises significant concerns in itself. However, her personal involvement in the implementation of lease suspensions on the Coastal Plain, while BLM advanced the Willow Project and she was apparently attempting to directly contact Conoco about that decision, almost certainly required ethics counseling and approval to avoid a quagmire of financial conflicts. Unfortunately, the record shows just the opposite – the DEO attempted to steer Ms. Culver away from such involvement and advised her to immediately extricate herself from prohibited financial entanglements. Ms. Culver's response, for nearly four months, was to ignore that advice.

Conclusion

As a practical matter, simply holding a financial investment in Conoco in violation of Interior and BLM regulations would seem to be a breach of § 2653.502, because a financial interest can only be prohibited based upon a determination by the agency that holding the interest "would cause a reasonable person to question the impartiality and objectivity with which agency programs are administered."⁴⁵

⁴⁴ 5 C.F.R. § 2635.403.

⁴⁵ 5 C.F.R. § 2635.403.



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Similarly, the actions taken by Ms. Culver (*e.g.*, Senate testimony, implementing suspensions of competing leaseholders, seeking to contact Conoco apparently about ways to help advance the Willow Project) that had the effect of aiding Conoco's interests with which she had a covered relationship could certainly cause a reasonable person to question Ms. Culver's impartiality toward the company. This too appears to be a violation of her obligations under § 2635.502. Indeed, not only would knowledge of these incestuous facts cause a reasonable person to question Ms. Culver's impartiality in light of her holdings in Conoco, but a reasonable person would marvel at the audacity of Ms. Culver's actions, particularly in light of her violation of her Ethics Pledge in meeting with a former employer, a fact that has already been established by an Inspector General's report.⁴⁶

The instances cited in this Complaint may represent merely the tip of the iceberg with respect to appearances of partiality arising from Ms. Culver's financial holdings. As late as July 27, 2021, nearly 5 months after joining Interior, Ms. Culver had a 17-page list containing more than 40 financial interests that required her to seek an ethics waiver or recuse herself in certain circumstances at the risk of violating federal criminal law.⁴⁷ Notably, it appears Ms. Culver also elected for "self-screening" for circumstances where her recusal was required.⁴⁸

Based on this overwhelming appearance of ethics malfeasance and abuse, we request an investigation into Ms. Nada Culver's multiple alleged ethics violations. Thank you.

Sincerely,

Michael Chamberlain
Director
Protect the Public's Trust

⁴⁶ [Report of Investigation OI-SI-21-0728-I \(doioig.gov\), https://www.doioig.gov/sites/default/files/2021-migration/WebRedacted_BLMethicsPledgeViolation.pdf](https://www.doioig.gov/sites/default/files/2021-migration/WebRedacted_BLMethicsPledgeViolation.pdf).

⁴⁷ Doc. 67-88.

⁴⁸ Doc. 64.