



September 5, 2019

Inspector General Mark Greenblatt  
U.S. Department of the Interior  
Office of Inspector General  
1849 C Street NW - Mail Stop 4428  
Washington, DC 20240

Dear Inspector General Greenblatt:

I write to you on behalf of the Project On Government Oversight (POGO) to request an investigation into a potential violation of the criminal conflict of interest statute<sup>1</sup> by Joe Balash, the recently departed Assistant Secretary for Land and Minerals Management at the Department of the Interior.

Since 1981, POGO has worked as a nonpartisan independent watchdog that investigates and exposes waste, corruption, abuse of power, and instances when the government fails to serve the public or silences those who report wrongdoing.

Recent press reports have indicated that Balash, who left the Department just last week, will be joining Oil Search—a company that is expanding its drilling on Alaska’s state land.<sup>2</sup> Balash’s responsibilities at the Department included serving as the “primary Interior Department” point person for “policy and regulatory development and coordination for national onshore and offshore minerals management activities.”<sup>3</sup> Under his management, the Department greatly expanded drilling in Alaska and began the process of reviewing expanding drilling into the Arctic National Wildlife Refuge,<sup>4</sup> with plans to begin leasing the area for drilling as early as this year.<sup>5</sup> Balash’s official calendar shows he had 75 briefings in a ten month period about a 1.5-

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<sup>1</sup> 18 U.S.C. § 208.

<sup>2</sup> Juliet Eilperin and Steven Mufson, “Top Interior official who pushed to expand drilling in Alaska to join oil company there,” *The Washington Post*, September 4, 2019. <https://www.washingtonpost.com/climate-environment/2019/09/04/top-interior-official-who-pushed-expand-drilling-alaska-join-oil-company-there/> (Hereinafter “Top Interior official”)

<sup>3</sup> Department of the Interior, “Budget Justifications and Performance Information Fiscal Year 2019,” p. 17. [https://www.doi.gov/sites/doi.gov/files/uploads/fy2019\\_os\\_budget\\_justification.pdf](https://www.doi.gov/sites/doi.gov/files/uploads/fy2019_os_budget_justification.pdf)

<sup>4</sup> Juliet Eilperin and Steven Mufson, “Drilling in Arctic National Wildlife Refuge to get fast review,” *The Washington Post*, July 19, 2018. [https://www.washingtonpost.com/national/health-science/drilling-in-alaska-national-wildlife-refuge-to-get-fast-review/2018/07/19/f873c11a-8a98-11e8-85ae-511bc1146b0b\\_story.html](https://www.washingtonpost.com/national/health-science/drilling-in-alaska-national-wildlife-refuge-to-get-fast-review/2018/07/19/f873c11a-8a98-11e8-85ae-511bc1146b0b_story.html)

<sup>5</sup> Valerie Volcovici, “Not so fast: Trump’s Alaska drilling study slammed by U.S. wildlife regulator,” Reuters, April 26, 2019. <https://www.reuters.com/article/us-usa-drilling-alaska/not-so-fast-trumps-alaska-drilling-study-slammed-by-u-s-wildlife-regulator-idUSKCN1S21WB>

million acre coastal plain in Alaska, situated near Oil Search's current Alaskan drilling activities.<sup>6</sup>

Oil Search, through its interests in the Alaska North Slope, is already drilling on state land near the Refuge, and continues to expand its work in the area.<sup>7</sup> While Balash has indicated his intent to abide by the Trump Administration's ethics pledge, which would require him to refrain from lobbying the Department for five years after he leaves, he's also quoted in the *Washington Post* stating that he'll "supervise" lobbyists.<sup>8</sup> Supervising lobbyists contacting his former agency very likely violates the pledge based on the definition of prohibited "lobbying activities" in Section 2 and its reference to the Lobbying Disclosure Act, which includes behind the scenes lobbying preparation work such as preparing materials for lobbying meetings and planning lobbying strategies.<sup>9</sup>

Additionally, the close proximity of his departure from the Department and his move to Oil Search raises significant questions about whether Balash violated criminal conflict of interest laws that prevent a government employee from participating "personally and substantially" in a "particular matter" that could affect an organization "with whom he is negotiating or has any arrangement concerning prospective employment."<sup>10</sup> While Oil Search has not yet bid on federal leases in Alaska,<sup>11</sup> if it is considering expanding into federal lands affected by the policies overseen by Balash it would present a possible conflict and warrants an investigation.

Ethics laws are meant to ensure the decisions of public officials are made in the public interest, and to bolster public confidence in the integrity of those decisions and in the federal government. The possibility that Balash negotiated future employment while crafting oil and gas policies, and his comments about supervising lobbyists, both raise ethics concerns that should be investigated expeditiously. If you have any questions or would like to discuss these matters further, please contact me or Liz Hempowicz at 202-347-1122.

Sincerely,



Danielle Brian  
Executive Director

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<sup>6</sup> Department of the Interior, "Calendars - Assistant Secretary for Lands and Minerals Management Joseph Balash," [https://www.doi.gov/sites/doi.gov/files/uploads/balash\\_calendar\\_18-00703\\_12-21-17\\_to\\_10-1-18\\_redacted\\_0.pdf](https://www.doi.gov/sites/doi.gov/files/uploads/balash_calendar_18-00703_12-21-17_to_10-1-18_redacted_0.pdf)

<sup>7</sup> Top Interior official

<sup>8</sup> Top Interior official

<sup>9</sup> Executive Order 13770, January 28, 2017. [https://www.law.cornell.edu/uscode/text/2/1602;\\_2](https://www.law.cornell.edu/uscode/text/2/1602;_2) U.S.C. § 1602(7) (defining "lobbying activities" as "lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others.")

<sup>10</sup> 18 U.S.C. § 208(a).

<sup>11</sup> Top Interior official