



**VIA FED EX DELIVERY**

March 22, 2019

Mary L. Kendall  
Deputy Inspector General  
U.S. Department of the Interior  
Office of Inspector General  
1849 C Street NW - Mail Stop 4428  
Washington, D.C. 20240

Re: Request for Investigation of Stephen Wackowski's Potential Conflicts of Interests and Violations of Executive Order 13770

Dear Ms. Kendall:

We write to request that you investigate whether Stephen M. Wackowski, the Senior Advisor for Alaskan Affairs at the Department of the Interior ("Department"), has improperly participated in matters related to his former employer, Fairweather Science, LLC ("Fairweather"), Fairweather's partners, or its founder and Vice President, Jeff Hastings.

As an employee at Fairweather, Mr. Wackowski specialized in monitoring polar bear populations in support of oil and gas development, a skill that is particularly relevant to proposed surveying and drilling in the Alaskan National Wildlife Refuge ("ANWR"). Among those interested in ANWR development are Fairweather's partners and Mr. Hastings, who have applied to the Department to conduct seismic testing with potentially adverse impacts to bear populations.

Despite his prior employment for an entity owned and managed in part by Mr. Hastings, Mr. Wackowski appears to be participating in the Department's decision to approve seismic testing and has even communicated directly with representatives from Fairweather concerning polar bear monitoring. If so, Mr. Wackowski may have violated his obligation to avoid conflicts of interest in his capacity as a public servant, and we accordingly request that you investigate the circumstances of Mr. Wackowski's participation in ANWR development—particularly his ongoing relationship with Fairweather—and, if warranted, recommend appropriate disciplinary action.

**Background**

Mr. Wackowski was named Senior Advisor in May 2017. The financial disclosure report Mr. Wackowski filed upon entering the government describes his prior employment with Fairweather Science, an eight employee Alaskan company that provides permitting and logistical

support to the state's oil and gas industry.<sup>1</sup> Between June of 2013 and May of 2017, Mr. Wackowski was employed by Fairweather as a Remote Sensing Manager and Operations Manager for the Tulugaq II Joint Venture,<sup>2</sup> an entity formed with Olgoonik Oilfield Service and Kaktovik Inupiat Corporation (“Kaktovik”) to provide “remote sensing services . . . utilizing unmanned aircraft systems” that monitored polar bear populations.<sup>3</sup> One of Mr. Wackowski's colleagues during this time was Justin Blank, now Senior Environmental Scientist at Fairweather.<sup>4</sup>

Fairweather was founded by Jeff Hastings, who owns 25 percent of the company and currently serves as its Vice President.<sup>5</sup> Mr. Hastings is also the CEO and Chairman of the Board of SAExploration, a company specializing in the seismic surveys necessary for development of oil and gas development.<sup>6</sup> On at least one occasion, SAExplorations has employed Fairweather.<sup>7</sup>

In the summer of 2018, SAExploration—together with Arctic Slope Regional Corporation and Kaktovik—applied to the Department of the Interior to conduct seismic testing in the 1002 area of ANWR. The plan called for hundreds of workers, airstrips, and fleets of 30-ton trucks and support vehicles that would traverse 29,000 miles in order to map the 1002 area with low frequency vibrations.<sup>8</sup> Almost immediately, the plan earned sharp criticism from conservationists and career staff at the Department, who faulted SAE for ignoring the proposed survey's effects on the region's dwindling polar bear population.<sup>9</sup> Notwithstanding this criticism, the Department publicly advertised its intent to proceed with SAExploration's plan, and to approve the plan under the National Environmental Policy Act by means of an

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<sup>1</sup>U.S. Office of Gov't Ethics, *Stephen M. Wackowski Financial Disclosure* (signed June 20, 2017), available at <https://www.documentcloud.org/documents/4387985-Stephen-M-Wackowski-Financial-Disclosure.html>.

<sup>2</sup> *Id.*

<sup>3</sup> *Partners*, Fairweather Science, LLC, <http://www.fairweathersciencellc.com/partners.html> (last visited Mar. 20, 2019).

<sup>4</sup> Rachel Waldholz, *Crew Maps Polar Bear Dens On Alaska's North Slope*, Alaska Pub. Media, Feb. 6, 2016, <https://www.alaskapublic.org/2016/02/09/165535/>.

<sup>5</sup> See Ex. A (Limited Liability Company 2018 Biennial Report documenting CLCH, LLC's 25% ownership of Fairweather); Ex. B (documenting Mr. Hasting's 100% ownership of CLCH).

<sup>6</sup> See *Leadership Team*, SAExploration, <http://www.saexploration.com/en/Home/LeadershipTeam> (last visited Mar. 20, 2019).

<sup>7</sup> See *Statement of Qualifications*, Fairweather Science, LLC 6, 9, 18 (2017), <http://www.fairweathersciencellc.com/downloads/fwx-science-statement-of-qualifications-2017.pdf>.

<sup>8</sup> See *Marsh Creek 3D: Plan of Operations Winter Seismic Survey*, SAExplorations, Inc., available at <http://apps.washingtonpost.com/g/documents/national/saexplorations-plan-for-seismic-drilling-in-the-arctic-national-wildlife-refuge/2991/> (last visited Mar. 20, 2019); Henry Fountain, *See the Scars That Oil Exploration Cut Across Alaska's Wilderness*, N.Y. Times, Aug. 3, 2018, <https://www.nytimes.com/2018/08/03/climate/alaska-anwr-seismic-testing-tracks.html>.

<sup>9</sup> Steven Mufson & Juliet Eilperin, *Companies Take First Steps to Drill for Oil in Arctic National Wildlife Refuge*, Wash. Post, June 1, 2018, [https://www.washingtonpost.com/business/economy/companies-take-first-steps-to-drill-for-oil-in-arctic-national-wildlife-refuge/2018/05/31/8f133464-643a-11e8-a768-ed043e33f1dc\\_story.html?utm\\_term=.5b3f2d350ba4](https://www.washingtonpost.com/business/economy/companies-take-first-steps-to-drill-for-oil-in-arctic-national-wildlife-refuge/2018/05/31/8f133464-643a-11e8-a768-ed043e33f1dc_story.html?utm_term=.5b3f2d350ba4); Dino Grandoni, *The Energy 202: Trump Administration Moves Forward With Arctic Oil Plan Wildlife Staff Deem 'Not Adequate'*, Wash. Post, Aug. 21, 2018, [https://www.washingtonpost.com/news/powerpost/paloma/the-energy-202/2018/08/21/the-energy-202-trump-administration-moves-forward-with-arctic-oil-plan-wildlife-officials-deem-not-adequate/5b7af94f1b326b7234392a70/?noredirect=on&utm\\_term=.f62225487408](https://www.washingtonpost.com/news/powerpost/paloma/the-energy-202/2018/08/21/the-energy-202-trump-administration-moves-forward-with-arctic-oil-plan-wildlife-officials-deem-not-adequate/5b7af94f1b326b7234392a70/?noredirect=on&utm_term=.f62225487408).

Environmental Assessment instead of a more rigorous Environmental Impact Statement.<sup>10</sup> During this time, e-mails indicate that Mr. Wackowski attended at least one meeting with Mr. Blank to discuss surveys of polar bear dens.<sup>11</sup>

In February 2019, Mr. Wackowski reiterated the Department's plan to approve SAExploration's application, with seismic testing to begin in 2019.<sup>12</sup>

### **Potential Legal Violations**

Executive Order 13770 requires that “[e]very appointee in every executive agency appointed on or after January 20, 2017, shall sign, and . . . commit[] to” certain standards of ethical conduct.<sup>13</sup> Among these is the commitment to refrain, “for a period of 2 years from the date of . . . appointment[,] [from] participat[ing] in any particular matter involving specific parties that is directly and substantially related to . . . former employer[s] or former clients, including regulations and contracts.”<sup>14</sup>

Under Executive Order 13770, Mr. Wackowski was prohibited from participating in any matter directly and substantially related to Fairweather or its clients (possibly including SAExploration). Mr. Wackowski's meetings with Fairweather representatives on polar bear denning—and his close ties with Mr. Hastings, SAExploration, and Kaktovik—raise the possibility that Mr. Wackowski has continued to participate in matters related to his former clients and employer. If true, Mr. Wackowski's participation in these matters may violate Executive Order 13770 and would raise serious questions as to Mr. Wackowski's impartiality when implementing controversial Department policy in Alaska, particularly the Department's development of ANWR.

### **Request for Relief and Further Investigation**

Your office has the authority to review potential violations of applicable ethics rules, including President Trump's executive order on ethics.<sup>15</sup> We respectfully request that you use this authority to determine whether Mr. Wackowski's involvement in ANWR-related policy, particularly surveys of polar bears, constitutes the improper use of his office. If such an investigation reveals that Mr. Wackowski has, in fact, improperly used his authority to benefit his former employer, colleagues, or clients, we respectfully request that you recommend appropriate disciplinary action.

We look forward to learning more about the outcome of your inquiry. Should you have any questions or wish to discuss this matter further, please do not hesitate to contact Travis

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<sup>10</sup> Adam Federman, *Leaked Memo: Government Scientists Warned Trump's Oil Plan Would Threaten Alaska's Polar Bears*, Mother Jones, Dec. 11, 2018, <https://www.motherjones.com/environment/2018/12/anwr-polar-bears-trump/>.

<sup>11</sup> See Ex. C.

<sup>12</sup> Elizabeth Harball, *Interior N. 3D Seismic Exploration in Arctic National Wildlife Refuge This Winter*, KTOO News, Feb. 6, 2019, <https://www.ktoo.org/2019/02/06/interior-no-3-d-seismic-exploration-in-arctic-national-wildlife-refuge-this-winter/>.

<sup>13</sup> Ethics Commitments by Executive Branch Appointees, 82 Fed. Reg. 9333 (Feb. 3, 2017).

<sup>14</sup> *Id.* ¶ 6.

<sup>15</sup> 5 U.S.C. app. 3 § 4.

Annatoyn at [tannatoyn@democracyforward.org](mailto:tannatoyn@democracyforward.org) or (202) 601-2483.

Sincerely,

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Senior Counsel

Democracy Forward Foundation

CC:

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