

March 16, 2016

House Committee on Ethics  
U.S. House of Representatives  
Mr. Charles W. Dent - Chairman  
Ms. Linda T. Sanchez - Ranking Member  
1015 Longworth House Office Building  
Washington D.C. 20515

Dear Chairman Dent and Ranking Member Sanchez,

My letter is regarding recent actions taken by United States House of Representatives member Ryan Zinke (R-MT), which I consider to be unethical. It is my belief that Mr. Zinke, in his actions as a Congressman, has violated the United States House of Representatives Code of Official Conduct, Rule XXIII "Code of Official Conduct" which states:

"1. A member, delegate, resident commissioner, officer, or member employee of the house shall conduct himself at all times in a manner that shall reflect credibility on the House."

While I acknowledge that I am not expert in matters related to the United States Code, I also suspect that Congressman Zinke is potentially in breach of United States Code, Title 18-Crimes and Criminal Procedure, Part I-Crimes, Chapter 47-Fraud and False Statements, letter (a) which reads:

"Except as otherwise provided in the section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully-

- 1) falsifies, conceals or covers up by any trick, scheme, or device a material fact;
- 2) makes any materially false, fictitious, or fraudulent statement or representation;
- 3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;"

I respectfully request that the House Committee on Ethics investigates Congressman Zinke's actions which I outline below for you.

Congressman Ryan Zinke sent a March 15, 2016 letter (screenshot photo of letter enclosed) to Glenn Fine, the Acting Inspector General at the Department of Defense (DoD), asking him to open an official DoD investigation into Colonel John G. Buck, Commander of the U.S. Army Corps of Engineers' Seattle District relating to his responsibilities on the proposed Gateway Pacific Terminal (GPT) at Cherry Point.

In his March 15, 2016 letter referenced above, and when speaking publicly, Congressman Zinke omitted important context relating to the impending de minimis determination that the U.S. Army Corps of Engineers ("the Corps") has been asked to make on the proposed GPT.

Congressman Zinke has chosen to omit that important context about the trust obligation that the Corps presently is under as its agency addresses the January 5, 2015 letter from Lummi Indian Business Council Chairman Tim Ballew II sent to the Corps, requesting the agency take action and immediately deny SSA/PIT's permit application for the proposed GPT project, "based, inter alia, on the project's adverse impact on the treaty rights of the Lummi Nation."

At a May 15, 2013 United States Senate Committee on Indian Affairs hearing, then-Chairwoman of the U.S. Senate Committee on Indian Affairs Senator Maria Cantwell (D-WA) reminded us all of the government-to-government relationship between Tribal governments and the U.S. federal government when she said:

"The government-to-government relationship is grounded in the United States Constitution, treaties, federal statutes, and Supreme Court decisions. This relationship is a mature relationship, expressed in terms of legal duties, moral obligations, and expectancies that have arisen based on the continuous history of Tribal interactions with the federal government since the formation of the United States."

In addition, Congressman Zinke's March 15, 2015 letter to the DoD Inspector General alleges that U.S. Army Corps Colonel John G. Buck "has sided with environmental interests without thorough consideration of the comprehensive data that will be revealed upon the completion of the draft EIS, which shatters all existing protocol." For Congressman Zinke, who is a retired Navy Commander, to make such an allegation about his fellow member of our country's armed services, in what appears to be a political maneuver, and without providing even a shred of evidence to support that allegation, seems even more grievous, to me.

These actions by Congressman Zinke cause me to believe that he has intentionally misrepresented facts to the Inspector General of the DoD, and to the public at large, for the benefit of the companies and organizations involved in, and/or which have direct or indirect financial interests in the proposed GPT project, some of which are generous contributors to Mr. Zinke's election campaign.

According to [opensecrets.org](http://opensecrets.org), Mr. Zinke's campaign contributions, thus far, for the 2015-2016 election cycle, have come from the following companies and organizations relating to the proposed GPT:

FRS Capital Corp (ultimate parent company over Carrix and SSA Marine); Cloud Peak Energy (has 49% stake in PIT/GPT); National Mining Association; and BNSF/Berkshire Hathaway (would transport the coal from Powder River Basin to GPT).

Also, Congressman Zinke's official website ([zinke.house.gov](http://zinke.house.gov)) featured a March 15, 2016 Press Release (enclosed), in which it was stated: "The Crow have invested in this terminal so they can expect their vast coal reserves to Pacific Rim markets..."

It is my understanding that the Crow Tribe currently does not have any official ownership investment stake with the GPT project. The Crow Tribe only has an option to secure 5% of Cloud Peak's 49% stake in Pacific International Terminals/GPT. That option has not been exercised, so therefore their Tribe has not yet "invested in this terminal [GPT]." Link to August 13, 2015 SEC Form 8-K Report for Cloud Peak Energy Inc: [http://www.sec.gov/Archives/edgar/data/1441849/000110465915059606/a15-17420\\_18k.htm](http://www.sec.gov/Archives/edgar/data/1441849/000110465915059606/a15-17420_18k.htm)

Also, Congressman Zinke's March 15, 2016 Press Release, stated: "The GPT, which is owned in-part by the Crow Nation of Southeast Montana..." On his official "Congressman Ryan Zinke" Facebook page, a March 15, 2015 post (screenshot photo enclosed) included a statement attributed to Congressman Zinke which stated, "Today, I'm calling upon the Inspector General at the Department of Defense, to open an official DoD investigation into Colonel Buck for his overt political maneuvering in the case of the Crow Tribe's proposed Gateway Pacific Terminal."

Unless something has changed since August 2015, in terms of the Crow Nation having somehow exercised its 5% option for a possible stake in GPT/Pacific International Terminals, then Congressman Zinke has made one or more false statements to the public.

Furthermore, I believe that Congressman Zinke has intentionally been misleading the public and our U.S. government to make it appear as though the Crow Nation were to have a present real ownership stake in GPT/Pacific International Terminals in an effort to influence governmental entities and the public, regarding the permitting phase of the GPT project. He has done this, and continues to do this, in order to benefit SSA Marine/Pacific International Terminals/FRS Capital Corp (PIT is the permit applicant for GPT), Cloud Peak Energy (presently a 49% stake-holder in GPT/Pacific International Terminals), BNSF/Berkshire Hathaway; all of which are presently directly involved with the proposed GPT and the interrelated Custer Spur projects, and, all of which, have contributed to his election campaign.

An August 21, 2015 email I sent to Cloud Peak's Investor Relations asked the question: If in the future, the Crow Tribe exercises its option to secure 5% from Cloud Peak Energy, what would then happen to the Crow Tribe's 5% stake if Cloud Peak Energy should choose to "exit its investment"? The response from a Cloud Peak Investor Relations representative explained:

"If the option is exercised, the Crow Tribe would retain their 5% ownership. It is unlikely that the Crow Tribe would exercise their option during the permitting [EIS] phase, which is the only time that Cloud Peak has the ability to exit the investment." This information

was confirmed in an email from Karla Kimrey, Vice President of Investor Relations for Cloud Peak.

To my best understanding, the Crow Tribe presently has no ownership interest in GPT/ Pacific International Terminals. I believe that Congressman Zinke knows this as well, but has chosen to misrepresent the Crow Tribe's ownership status in an attempt to mislead the Inspector General of the DoD, Glenn Fine, and to mislead the public which will be seeing Zinke's March 15, 2015 letter to Fine, as it is being published in the news media and press releases.

In a March 15, 2016 Billings Gazette article entitled, "Shipping port that is critically for Crow coal in jeopardy," Congressman Zinke made the following statement:

"It's real a question of fairness. This is why people don't trust the government, when you have an egregious breach of public trust," Zinke said. "There's a process. Both sides are bound to the process and then all of a sudden the process stops and the decision is made that favors one side or the other."

Link to article: [http://billingsgazette.com/news/government-and-politics/shipping-port-that-is-critical-for-crow-coal-in-jeopardy/article\\_a7148cfe-5c4d-5006-b53c-3276f55dd64a.html](http://billingsgazette.com/news/government-and-politics/shipping-port-that-is-critical-for-crow-coal-in-jeopardy/article_a7148cfe-5c4d-5006-b53c-3276f55dd64a.html)

In publicly alleging to the Billings Gazette reporter, that there has been "an egregious breach of public trust," without backing that up with any proof, and without providing the context that the Army Corps has legal (and moral) trust responsibilities regarding the Lummi Nation's treaty rights relating to the proposed GPT, which are separate to its agency's responsibilities relating to the Environmental Impact Statement for GPT, Congressman Zinke is misleading the public.

Congressman Zinke's conduct has cast a shadow on the credibility of the House of Representatives. This appears to be in violation of the United States House of Representatives Code of Official Conduct.

All of the information I have outlined above, gives me reason to respectfully request that the House Committee on Ethics investigate this matter.

Thank you.  
Sincerely,

Sandy Robson

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