

Re: Reject the nomination of William Perry Pendley for Director of the Bureau of Land Management

August 3, 2020

To the Members of the Senate Energy and Natural Resources Committee:

On behalf of the undersigned organizations, Tribes, and businesses and our millions of members and supporters nationwide, we urge you to reject the nomination of William Perry Pendley for Director of the Bureau of Land Management (BLM). Mr. Pendley's public record over decades both in and outside of government have made abundantly clear that he is abjectly unfit to lead any government agency and particularly the BLM. His inflammatory rhetoric and actions opposing virtually all issues of social justice and diversity including targeting native communities, immigrants, the LGBTQ community and people of color should alone be disqualifying for anyone seeking the responsibility of managing a taxpayer-funded agency with a diverse workforce. Yet, Mr. Pendley adds to these disqualifications with radical anti-conservation positions, a deeply held belief antithetical to the agency's mission that public lands should be privatized, virtually unprecedented conflicts of interest and ethical issues, a history of supporting anti-government extremists, and a track record of dismantling the very agency he is tasked with managing.

While Mr. Pendley's list of disqualifying views, statements and actions is too exhaustive to list comprehensively, we offer the following as a sample illustrating our concerns:

Radical anti-science and anti-conservation positions: Put simply, Mr. Pendley is diametrically opposed to the agency's mission to sustain public lands. Rather, he does not believe they should exist. The BLM is the nation's largest public land agency, charged with managing over a third of America's public lands and executing myriad environmental laws based on sound science and public input. Mr. Pendley's radical view that public lands are unconstitutional, his consistent denial of scientific facts, and his disdain for the very existence of bedrock conservation laws make clear he is unqualified to objectively meet these obligations. He has tried to erase his deeply held personal beliefs by claiming his past statements and actions are "irrelevant"¹, conjuring his training in taking orders as a Marine. This is nonsensical at best and cynical at worst. His record on public lands must inform his nomination, not be conveniently erased. His troubling views and actions include:

- ***Repeatedly denying basic science.*** His climate denial includes referring to climate science as "junk science", likening the existence of climate change to unicorns, and

¹ Brown, M. "Agency boss: Past support for US land sales is 'irrelevant'". *Associated Press*, August 28, 2019. <https://apnews.com/2c881b866dca45a28e725874d3d1e338>

denigrating those who advocate for addressing climate change as members of a cult² and “kooks”. In the 1990s he similarly denied the existence of ozone holes and acid rain.³

- ***Repeatedly calling for selling off public lands.*** He authored a January 2016 article in the *National Review* in which argued that “The Founding fathers intended all lands owned by the federal government to be sold”⁴. His notes from his time in the Reagan Administration include writing “Sell all BLM lands E. of Miss.” and “all Dpt agencies id 5%” of lands for sale⁵. His hatred of federal lands extends to the broadly popular Land and Water Conservation Fund, where opposition to the program’s reauthorization with a message urging people to be aware of “their govt’s. insatiable hunger for land.”⁶
- ***Frequently denigrating and attacking bedrock environmental laws,*** calling into question his willingness to faithfully meet legal obligations under these laws. He’s referred to the Endangered Species Act as a “joke” and said that western landowners “shoot, shovel and shut up” when discovering endangered species on their property⁷. He’s claimed that the National Environmental Policy Act never worked and was always a weapon to kill jobs⁸ and called for the repeal of the Antiquities Act while arguing that Sec. Zinke’s unprecedented national monument recommendations were woefully inadequate.⁹

Unprecedented conflicts of interest and a documented history of ethical lapses: Mr. Pendley has built a career dedicated to undermining public lands. For nearly 30 years Mr. Pendley was president of the Mountain States Legal Foundation (MSLF), where he frequently sued federal agencies on behalf of extractive industry interests to challenge conservation policies and regulations. As a result, Mr. Pendley has a nearly unprecedented number of conflicts of interest, which make his ability to lead this agency in an unbiased way impossible. Further, his previous stint in government is marred by a documented history of ethical lapses. These concerns include:

² Twitter thread by The Wilderness Society on 10/10/19:

<https://twitter.com/Wilderness/status/1182301442872352773>

³ Kaczynski, A, et. al. “Senior Interior official denied there was an ozone hole and compared undocumented immigrants to cancer”; *CNN*, October 8, 2019. <https://www.cnn.com/2019/10/08/politics/william-perry-pendley-blm-kfile/index.html>

⁴ Pendley, W.P. “The Federal Government Should Follow the Constitution and Sell Its Western Lands.” *National Review*, January 19, 2016. <https://www.nationalreview.com/2016/01/federal-government-should-sell-western-land-follow-constitution/>

⁵ Yachnin, J., Cama, T. “Pendley Papers: ‘Sell all BLM lands E. of Miss.’” *E&E News*, August, 30, 2019 <https://www.eenews.net/greenwire/stories/1061110671/>

⁶ Twitter post by William Perry Pendley on 1/4/19:

https://twitter.com/Sagebrush_Rebel/status/1081219296116695040?s=20

⁷ Tobias, J. “He opposed public lands and wildlife protections. Trump gave him a top environment job”. *The Guardian*, May 20, 2020. <https://www.theguardian.com/environment/2020/may/20/william-perry-pendley-trump-pick-top-environmental-post-endangered-species>

⁸ Twitter post by William Perry Pendley on

2/7/19:https://twitter.com/Sagebrush_Rebel/status/1093552133826215936?s=20

⁹ Pendley, W.P. “Trump Wants to Free Up Federal Lands, His Interior Secretary Fails Him.” *National Review*, September 25, 2017. <https://www.nationalreview.com/2017/09/secretary-interior-ryan-zinke-monuments-review-trump-executive-order-antiquities-act-environmentalists/>

- ***A 17-page recusal list*** that touches on nearly every aspect of the agency's mission with a particular focus on clients engaged in extractive activities on federal lands¹⁰.
- ***Conflicts of interest*** covering many of the most high-profile issues of national interest the agency manages including representing clients in lawsuits to open lands surrounding the Grand Canyon to new uranium mining¹¹, drill in the sacred Badger-Two Medicine area of Montana¹², and remove protections for Bears Ears and Grand Staircase-Escalante National Monuments among many others. Regardless of any commitments to recuse himself, his presence at the top of the agency deciding these nationally contentious issues undermines any public confidence in the legitimacy of these decisions.
- ***Blatantly unethical behavior during his previous stint in public service*** that compound current concerns with Mr. Pendley's unprecedented conflicts of interest. As the former DOI Deputy Assistant Secretary for Energy and Minerals, Mr. Pendley was criticized by an independent commission for mismanaging the agency's coal-leasing program to benefit industry and costing taxpayers approximately \$100 million in a lease sale far below fair market value. An Inspector General report even found that on the same day the Department changed the bidding procedures in question to benefit industry, Mr. Pendley, a colleague, and their wives accepted a dinner that is valued today at \$1,343 from two industry attorneys that benefited from this change¹³.

Supporting anti-public lands extremists and dismantling the BLM: Mr. Pendley's career at MSLF and his performance to date at BLM has been antithetical to the mission of the agency he is charged with overseeing. His history of sympathizing with anti-government and anti-public lands extremists undermines the safety of the employees he is responsible for managing and his tenure with the agency has been marked with a historic dismantling of its staff. Specifically, our concerns include:

- ***Support for anti-government extremists*** that threaten the safety of the workforce he leads. He has expressed public sympathy with those engaged in armed standoffs with federal employees and the illegal takeover of public lands and instead placed blame on President Obama's environmental policies¹⁴, complimented an attempt to sue federal land

¹⁰ Doyle, M. "BLM honcho reveals long recusal list." *E&E News*, September 25, 2019.

<https://www.eenews.net/greenwire/stories/1061169147/>

¹¹ Pendley, W.P. "Court rebuffs miners: withdrawal law constitutional." [Press Release]. March 25, 2013, retrieved from LexisNexis: <https://www.lexisnexis.com/legalnewsroom/energy/b/oil-gas-energy/posts/court-rebuffs-miners-withdrawal-law-constitutional>

¹² Puckett, K. "Groups take issue with BLM director's stance on public lands, gas lease." *Great Falls Tribune*, July 30, 2019. <https://www.greatfalls Tribune.com/story/news/2019/07/30/new-blm-director-defended-oil-gas-lease-montana-supports-land-sale-badger-two-medicine-pendley/1862544001/>

¹³ Mufson, S. "Trump's pick for managing federal lands doesn't believe the government should have any." *Washington Post*, July 31, 2019. https://www.washingtonpost.com/climate-environment/trumps-pick-for-managing-federal-lands-doesnt-believe-the-government-should-have-any/2019/07/31/0bc1118c-b2cf-11e9-8949-5f36ff92706e_story.html

¹⁴ Cama, T. "Tensions rise over land in the age of Obama." *The Hill*, April 25, 2016.

<https://thehill.com/policy/energy-environment/277252-tensions-rise-over-land-in-the-age-of-obama>

management employees under anti-racketeering laws¹⁵ and claimed that the “Deep State” was in charge of U.S. Fish and Wildlife Service and Department of Justice¹⁶.

- ***A disastrous reorganization***, that under Mr. Pendley’s direction, has resulted in only 35% of employees accepting their reassignments and numerous resulting vacancies that threaten the agency’s ability to complete its mission.¹⁷ His anti-federal employee rhetoric raises the question of whether this move was intended to dismantle the agency from the inside.

Anti-diversity positions, inflammatory rhetoric and derogatory views of marginalized communities: At a time when the nation is grappling with deep-seated issues of institutional discrimination, Mr. Pendley’s long history of inflammatory statements and opposition to diversity efforts make him uniquely unsuited to manage a federal workforce or impartially decide issues of public interest. Especially troubling is Mr. Pendley’s:

- ***Lengthy history of mocking and scapegoating marginalized communities*** includes authoring and promoting an op-ed entitled “Black Lives Matter began with a lie”¹⁸, comparing undocumented immigrants to cancer and accusing immigrants of spreading disease¹⁹, repeatedly trafficking in islamophobia²⁰, and opposing LGBTQ inclusion initiatives²¹;
- ***Long history opposing Tribes*** seeking to protect sacred sites and exercise Tribal sovereignty and mocking Tribal religious beliefs. He has referred to Indigenous religious beliefs as “paganism” and “cultural myths”²² while consistently litigating and advocating against the protection of sacred sites and cultural resources on public lands;
- ***Obsession with and history of working against²³ diversity-based recruitment initiatives and standards of regulatory impact***, including affirmative action, hiring and contracting efforts and in reviewing disparate impacts²⁴ of federal decision-making. Beyond his legal opposition, he’s engaged in extreme rhetoric and fear mongering around these efforts, going as far as asking “How many have died and how many more will die because of

¹⁵ Yachnin, J. “Potential BLM pick has fought for ranchers, property rights.” *E&E News*, June 16, 2017.

<https://www.eenews.net/greenwire/stories/1060056171>

¹⁶ Twitter post by William Perry Pendley on 11/27/18:

https://twitter.com/Sagebrush_Rebel/status/1067520617539297280?s=20

¹⁷ Streater, S. “BLM sprints to complete headquarters move by July 4.” *E&E News*, June 25, 2020

<https://www.eenews.net/greenwire/stories/1063452491/>

¹⁸ Pendley, W.P. “Black Lives Matter began with a lie.” *Washington Examiner*, November 1, 2017.

<https://www.washingtonexaminer.com/black-lives-matter-began-with-a-lie>

¹⁹ See #2 above

²⁰ See #2 above

²¹ Pendley, W.P. “Is gender instruction part of sex education?” *Washington Examiner*, November 1, 2017.

<https://www.washingtonexaminer.com/opinion/is-gender-instruction-part-of-sex-education>

²² Twitter thread by James C. Tobias on 7/3/19: <https://twitter.com/JamesCTobias/status/1156263578904793088>

²³ Western Values Project. “BLM Director’s Troubling History on Civil Rights, Diversity, and Inclusion.” [Press Release]. October 30, 2019. <https://westernvaluesproject.org/blm-directors-troubling-history-on-civil-rights-diversity-and-inclusion/>

²⁴ Twitter post by William Perry Pendley on 2/14/19:

https://twitter.com/Sagebrush_Rebel/status/1096050970264399872?s=20

diversity and race-based decision making?”²⁵ and referring to environmental justice as “(a)nother imaginary issue pushed by progressives”²⁶.

When a nominee is clearly unfit for a position, it is the Senate's constitutional and moral duty to reject the nomination. Mr. Pendley is profoundly unfit to lead the BLM in any capacity and the Senate must swiftly and unequivocally reject his nomination.

Sincerely,

"e" inc.
198methods.org
350 Butte County
350 Humboldt
350 New Hampshire
350 Silicon Valley
350 Triangle
Aiken Audubon Society
Alaska Tribal Unity
Alaska Wilderness League
Alaska's Big Village Network
Alaskans Take A Stand
Alliance for Affordable Energy
Amah Mutsun Land Trust
Amargosa Conservancy
Amazing Earthfest
American Horse Protection Society
American Wild Horse Campaign
Amigos Bravos
Animal Wellness Action
Animal Wellness Foundation
Archaeology Southwest
Arizona Conservation Partners
Arizona Trail Association
Arizona Wildlife Federation
Arkansas Valley Audubon Society
Association of Outdoor Recreation and Education
Association on American Indian Affairs
Audubon Alaska
Audubon California
Audubon New Mexico
Audubon Rockies

Audubon Washington
Battle Born Progress/Institute for a
Progressive Nevada
Bay Mills Indian Community
Bighorn Audubon Society
Bikepacking Roots
Birds of Prey NCA Partnership
Black Canyon Audubon Society
Bold Alliance
Born Free USA
Boulder County Audubon Society
(Colorado)
Brown Folks Fishing
California Chaparral Institute
California League of Conservation Voters
California Native Plant Society
California Outdoor Engagement Coalition
California Wilderness Coalition
Californians for Western Wilderness
Call to Action Colorado
Carrizo Plain Conservancy
Cascade Forest Conservancy
Cascadia Wildlands
Catholic Divestment Network
CatholicNetwork.US
Center for a Humane Economy
Center for American Progress
Center for Biological Diversity
Center for Sustainable Economy
Central Colorado Wilderness Coalition
Cheyenne High Plains Audubon Society
Chispa Arizona
Christian Council of Delmarva

²⁵ Twitter post by William Perry Pendley on 4/26/19:

https://twitter.com/Sagebrush_Rebel/status/1121838652307406849?s=20

²⁶ Twitter post by William Perry Pendley on 4/23/19:

https://twitter.com/Sagebrush_Rebel/status/1120891353804632064?s=20

Cienega Watershed Partnership
Citizens for a Healthy Community
Clean Water Action
Climate Hawks Vote
Climate Law & Policy Project
Climate Reality Project
Coalition to Protect America's National
Parks
Coalition to SAVE the Menominee River,
Inc.
Colorado Farm and Food Alliance
Colorado Wildlands Project
Conejos Clean Water
Conservation Colorado
Conservation Lands Foundation
Conservation Voters for Idaho
Conservatives for Responsible Stewardship
Conserve Southwest Utah
Continental Divide Trail Coalition
Cottonwood Indivisible
Council of Mexican Federations in North
America (COFEM)
Cream City Conservation
Dakota Resource Council
Dayenu: A Jewish Call to Climate Action
Defenders of Wildlife
Democratic Women of the Prescott Area
Denver Audubon
Desert Defenders of the Mojave Desert
Dogwood Alliance
Dolores River Boating Advocates
Down to Earth Storytelling
Earth Action, Inc.
Earthjustice
Earthworks
Eat for the Earth
EcoFlight
Endangered Species Coalition
Environmental Defense Fund
Environmental Protection Information
Center
Escambia County Democratic
Environmental Caucus of Florida
Escambia County Democratic Party
Evergreen Colorado Audubon Society
Faithful America

FB Power
Fond du Lac Band of Lake Superior
Chippewa
Food & Water Action
Forests Forever
Fort Ord Recreation Trails (FORT) Friends
Friends and Neighbors of the Deschutes
Canyon Area
Friends Arizona Joshua Tree Forest
Friends of Alaska National Wildlife Refuges
Friends of Basin & Range
Friends of Big Morongo Canyon Preserve
Friends of Black Rock High Rock
Friends of Browns Canyon
Friends of Cascade-Siskiyou National
Monument
Friends of Gold Butte
Friends of Ironwood Forest
Friends of Nevada Wilderness
Friends of Organ Mountains-Desert Peaks
Friends of Sloan Canyon
Friends of the Agua Fria National
Monument
Friends of the Amargosa Basin
Friends of the Earth
Friends of the Inyo
Friends of the Kalmiopsis
Friends of the Lost Coast
Friends of the Missouri Breaks Monument
Friends of the Owyhee
Friends of the San Pedro River, Inc.
Friends of the Yampa
Friends of Yaquina Lighthouses
Gasp
Get Outdoors Nevada
Gila Resources Information Project
Golden Eagle Audubon Society
Grand Canyon Trust
Grand Junction Area Broadband, Great Old
Broads for Wilderness
Grand Staircase Escalante Partners
Grand Valley Audubon Society
Grant Fairbanks
Great Old Broads for Wilderness
Great Salt Lake Audubon
GreenLatinos

High Country Conservation Advocates
Hispanics Enjoying Camping, Hunting and
the Outdoors (HECHO)
Idaho Conservation League
Indigenous Women Rising
Indivisible Sedona
Information Network for Responsible
Mining
Inland Ocean Coalition
Integrated Community Solutions, Inc
Interfaith Power & Light
Jean-Michel Cousteau's Ocean Futures
Society
John Muir Project
Kalmiopsis Audubon Society
Keep Sedona Beautiful
King Range Alliance
Klamath Forest Alliance
Klamath-Siskiyou Wildlands Center
Lahontan Audubon Society
Las Cruces Green Chamber of Commerce
Latino Outdoors
LEAD Agency, Inc.
League of Conservation Voters
Long Beach Alliance for Clean Energy
Los Padres ForestWatch
Lynn Canal Conservation, Inc.
Maine Audubon
Maine Conservation Voters
Malach Consulting
Mattole Restoration Council
Midori Law Group, P.C.
Moms Clean Air Force
Montana Audubon
Montana Conservation Voters
Montana Wilderness Association
Montana Wildlife Federation
Morongo Basin Conservation Association
Mountain Mamas
N. AZ Climate Change Alliance
NAACP
Naatsis'Aan Chapter
National Audubon Society
National Equality Action Team (NEAT)
National Parks Conservation Association
National Wildlife Federation

Native American Land Conservancy
Native American Rights Fund
Native Plant Conservation Campaign
Natural Resources Council of Maine
Natural Resources Defense Council
Nature for All
Nevada Outdoor Recreation Association
Nevada Wildlife Federation
New Mexico Interfaith Power and Light
New Mexico Wilderness Alliance
New Mexico Wildlife Federation
Nicole Croft Consulting
NM Dream Team
NM Environmental Law Center
North American Climate, Conservation and
Environment (NACCE)
Northeastern Minnesotans for Wilderness
Northern Alaska Environmental Center
Northwest Colorado Chapter of Great Old
Broads for Wilderness
Norton Bay Inter-Tribal Watershed Council
Nuestra Tierra Conservation Project
NY4WHALES
Ocean Conservancy
Oil Change International
Okaloosa County Chapter of the Democratic
Caucus of Florida
Oregon League of Conservation Voters
Oregon Natural Desert Association
Oregon Timber Trail Alliance
Organized Uplifting Resources and
Strategies
Outdoor Advocacy Project
Park County Environmental Council
Patagonia
Pensacola Chapter Womens March Florida
People Demanding Action
People's Justice Council
Plus1Vote
Policy Solutions Institute
Portneuf Valley Audubon Society
Powder River Basin Resource Council
Prairie Falcon Audubon, Inc
Prescott Indivisible
Progressive Democrats of America
ProgressNow Colorado

Public Citizen
Publish What You Pay-US
Quiet Use Coalition
Rainforest Action Network
Rapid Shift
Red Desert Audubon Society
Rig To Flip
Rio Grande Valley Broadband of the Great
Old Broads for Wilderness
Rivers Without Borders
Roberts & Associates
Rock Creek Alliance
Rocky Mountain Wild
Plus1Vote
Salt Palm Development
San Juan Citizens Alliance
San Luis Valley Ecosystem Council
Sanctuary Forest, Inc.
Save Our Cabinets
Sedona Women's March
Sedona Action Network
Sequoia ForestKeeper®
Sheep Mountain Alliance
Sierra Club
Sierra Forest Legacy
Soda Mountain Wilderness Council
South Beach District 6 Democratic Club of
San Francisco
South San Juan Broadband of Great Old
Broads for Wilderness
Southern Utah Wilderness Alliance
SPIRET Foundation
Squaxin Island Tribe
Sustainable Energy & Economy Network
The Alaska Center
The Climate Center
The Cloud Foundation
The Lands Council

The Mountain Pact
The Suquamish Tribe
The Wilderness Society
Public Employees for Environmental
Responsibility
Transition Express Campaign
Transition Habitat Conservancy
Trustees for Alaska
Tuleyome
Turtle Island Restoration Network
Umpqua Watersheds
Unexpected Wildlife Refuge
United We Dream
Upper Gila Watershed Alliance
Utah Diné Bikéyah
Utah Native Plant Society
Verde Valley Yavapai Democrats
Vermont Conservation Voters
Vet Voice Foundation
Wasatch Audubon Society
Washington Wild
Weber Sustainability Consulting
Weminuche Audubon Society
Western Colorado Alliance
Western Environmental Law Center
Western Nebraska Resources Council
Western Slope Conservation Center
Western Values Project
Western Watersheds Project
Wild Arizona
Wild Connections
WildEarth Guardians
Wilderness Workshop
Winter Wildlands Alliance
WSL PURE
Wyoming Outdoor Council
Wyoming Wilderness Association