

## **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"<sup>1</sup>, 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

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<sup>1</sup> 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 cult<sup>2</sup> and “kooks”. In the 1990s he similarly denied the existence of ozone holes and acid rain.<sup>3</sup>

- **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”<sup>4</sup>. 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 sale<sup>5</sup>. 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.”<sup>6</sup>
- **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 property<sup>7</sup>. He’s claimed that the National Environmental Policy Act never worked and was always a weapon to kill jobs<sup>8</sup> and called for the repeal of the Antiquities Act while arguing that Sec. Zinke’s unprecedented national monument recommendations were woefully inadequate.<sup>9</sup>

**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:

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

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

<sup>3</sup> 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>

<sup>4</sup> 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/>

<sup>5</sup> 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/>

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

[https://twitter.com/Sagebrush\\_Rebel/status/1081219296116695040?s=20](https://twitter.com/Sagebrush_Rebel/status/1081219296116695040?s=20)

<sup>7</sup> 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>

<sup>8</sup> Twitter post by William Perry Pendley on

2/7/19:[https://twitter.com/Sagebrush\\_Rebel/status/1093552133826215936?s=20](https://twitter.com/Sagebrush_Rebel/status/1093552133826215936?s=20)

<sup>9</sup> 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 lands<sup>10</sup>.
- ***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 mining<sup>11</sup>, drill in the sacred Badger-Two Medicine area of Montana<sup>12</sup>, 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 change<sup>13</sup>.

**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 policies<sup>14</sup>, complimented an attempt to sue federal land

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<sup>10</sup> Doyle, M. “BLM honcho reveals long recusal list.” *E&E News*, September 25, 2019.

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

<sup>11</sup> 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>

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

<sup>13</sup> 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](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)

<sup>14</sup> 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 laws<sup>15</sup> and claimed that the “Deep State” was in charge of U.S. Fish and Wildlife Service and Department of Justice<sup>16</sup>.

- ***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.<sup>17</sup> 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”<sup>18</sup>, comparing undocumented immigrants to cancer and accusing immigrants of spreading disease<sup>19</sup>, repeatedly trafficking in islamophobia<sup>20</sup>, and opposing LGBTQ inclusion initiatives<sup>21</sup>;
- ***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”<sup>22</sup> while consistently litigating and advocating against the protection of sacred sites and cultural resources on public lands;
- ***Obsession with and history of working against<sup>23</sup> diversity-based recruitment initiatives and standards of regulatory impact***, including affirmative action, hiring and contracting efforts and in reviewing disparate impacts<sup>24</sup> 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

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<sup>15</sup> Yachnin, J. “Potential BLM pick has fought for ranchers, property rights.” *E&E News*, June 16, 2017. <https://www.eenews.net/greenwire/stories/1060056171>

<sup>16</sup> Twitter post by William Perry Pendley on 11/27/18: [https://twitter.com/Sagebrush\\_Rebel/status/1067520617539297280?s=20](https://twitter.com/Sagebrush_Rebel/status/1067520617539297280?s=20)

<sup>17</sup> Streater, S. “BLM sprints to complete headquarters move by July 4.” *E&E News*, June 25, 2020 <https://www.eenews.net/greenwire/stories/1063452491/>

<sup>18</sup> 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>

<sup>19</sup> See #2 above

<sup>20</sup> See #2 above

<sup>21</sup> 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>

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

<sup>23</sup> 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/>

<sup>24</sup> Twitter post by William Perry Pendley on 2/14/19: [https://twitter.com/Sagebrush\\_Rebel/status/1096050970264399872?s=20](https://twitter.com/Sagebrush_Rebel/status/1096050970264399872?s=20)

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

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.	Audubon Washington
198methods.org	Battle Born Progress/Institute for a
350 Butte County	Progressive Nevada
350 Humboldt	Bay Mills Indian Community
350 New Hampshire	Bighorn Audubon Society
350 Silicon Valley	Bikepacking Roots
350 Triangle	Birds of Prey NCA Partnership
Aiken Audubon Society	Black Canyon Audubon Society
Alaska Tribal Unity	Bold Alliance
Alaska Wilderness League	Born Free USA
Alaska's Big Village Network	Boulder County Audubon Society
Alaskans Take A Stand	(Colorado)
Alliance for Affordable Energy	Brown Folks Fishing
Amah Mutsun Land Trust	California Chaparral Institute
Amargosa Conservancy	California League of Conservation Voters
Amazing Earthfest	California Native Plant Society
American Horse Protection Society	California Outdoor Engagement Coalition
American Wild Horse Campaign	California Wilderness Coalition
Amigos Bravos	Californians for Western Wilderness
Animal Wellness Action	Call to Action Colorado
Animal Wellness Foundation	Carrizo Plain Conservancy
Archaeology Southwest	Cascade Forest Conservancy
Arizona Conservation Partners	Cascadia Wildlands
Arizona Trail Association	Catholic Divestment Network
Arizona Wildlife Federation	CatholicNetwork.US
Arkansas Valley Audubon Society	Center for a Humane Economy
Association of Outdoor Recreation and	Center for American Progress
Education	Center for Biological Diversity
Association on American Indian Affairs	Center for Sustainable Economy
Audubon Alaska	Central Colorado Wilderness Coalition
Audubon California	Cheyenne High Plains Audubon Society
Audubon New Mexico	Chispa Arizona
Audubon Rockies	Christian Council of Delmarva

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

[https://twitter.com/Sagebrush\\_Rebel/status/1121838652307406849?s=20](https://twitter.com/Sagebrush_Rebel/status/1121838652307406849?s=20)

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

[https://twitter.com/Sagebrush\\_Rebel/status/1120891353804632064?s=20](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 Northwest  
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 Basin Resource Watch  
Great Old Broads for Wilderness

Great Salt Lake Audubon  
GreenLatinos  
High Country Conservation Advocates  
Hispanics Enjoying Camping, Hunting and  
the Outdoors (HECHO)  
Horses For Life Foundation  
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  
NativesOutdoors  
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  
Plus I Vote  
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  
Ventana Wilderness Alliance  
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



