

Alaska Wilderness League \* Alberta Wilderness Association \* Alliance for the Wild Rockies  
Black Hills Sportsman Club \* Bighorn Audubon Society \* Boise Chapter Great Old Broads  
Brooks Range Council \* Californians for Western Wilderness \* Cascadia Wildlands  
Center for Biological Diversity \* Coal River Mountain Watch \* Conejos Clean Water \* Conservation Congress  
Copper Country Alliance \* Dakota Rural Action Black Hills Chapter \* Delaware Ecumenical Council on Children  
and Families \* Earthjustice \* Endangered Habitats League \* Endangered Species Coalition  
Environmental Protection Information Center \* Friends of Organ Mountains-Desert Peaks  
Friends of the Bitterroot \* Friends of the Clearwater \* Friends of the Earth US \* Footloose Montana  
Gila Resources Information Project \* Grand Junction Great Old Broads \* Greater Hells Canyon Council  
Great Old Broads for Wilderness \* High Country Conservation Advocates \* Howling for Wolves  
Jim Coda Photography \* John Muir Project \* Klamath Forest Alliance \* Living Rivers & Colorado Waterkeeper  
Los Padres ForestWatch \* Malach Consulting \* Maryland United for Peace and Justice  
Montana Environmental Information Center \* Movement for a People's Party  
Native Plant Conservation Campaign \* National Wolfwatcher Coalition \* New Mexico Horse Council  
New Mexico Sportsmen \* NY4WHALES \* Oceanic Preservation Society \* Ohio Valley Environmental Coalition  
Operation HomeCare \* Oregon Natural Desert Association \* Patagonia \* Point Reyes Safaris  
Predator Defense \* Project Coyote \* Protect The Wolves™ \* Public Citizen  
Public Employees for Environmental Responsibility \* Resource Renewal Institute  
RESTORE: The North Woods \* Rocky Mountain Recreation Initiative \* Rocky Mountain Wild  
San Juan Citizens Alliance \* Save Our Blue Sky Waters \* Save Our Cabinets \* Save the South Fork Salmon  
Sequoia ForestKeeper® \* Shagbark \* Sheep Mountain Alliance \* Sierra Club  
Silver Valley Community Resource Center \* Soda Mountain Wilderness Council \* The Lands Council  
The Nuestra Tierra Conservation Project \* Turtle Island Restoration Network \* Unexpected Wildlife Refuge  
Uranium Watch \* Voice for Animals \* Weber Sustainability Consulting \* Western Colorado Alliance  
Western Values Project \* Western Watersheds Project \* Western Wildlife Conservancy \* WildEarth Guardians  
Wilderness Watch \* WildWest Institute \* Winter Wildlands Alliance \* Wolf Recovery Foundation  
Wyoming Untrapped \* Wyoming Wilderness Association \* Wyoming Wildlife Advocates  
Yellowstone to Uritas Connection

David Bernhardt  
Secretary of Interior  
1849 C Street NW  
Washington, DC 20240

William Perry Pendley  
Deputy Director, Bureau of Land Management  
1849 C Street NW  
Washington, DC 20240

Dear Secretary Bernhardt:

We, the ninety-one undersigned conservation, sportsmen, public interest, and wildlife advocacy organizations, representing over 3.9 million Americans, call for the immediate resignation or removal of William Perry Pendley from his position of Deputy Director for Policy and Programs of the Bureau of Land Management, "exercising the authority of the Director."

The Federal Vacancies Reform Act (FVRA) allows the President to appoint “acting” Directors temporarily, for a period lasting no more than 210 days. Mr. Pendley, on the other hand, was not appointed by the President through the recognized process under FVRA (nor did he qualify otherwise to be an “acting”). Instead, you named him as Deputy Director, “exercising the authority of the Director.” This type of re-delegation of authority is intended for temporary use during periods of Presidential transition and is improper now, nearly three full years into this Administration, particularly as there is no nominee for BLM’s Director pending before the Senate. Only a Senate-confirmed Director or a Presidentially-appointed Acting Director would have legal legitimacy to lead the Bureau. Deputy Director Pendley is neither of those. Further, his actions betray BLM’s mission and demonstrate his lack of fitness to lead it.

On November 17<sup>th</sup> of this year, Deputy Director Pendley published an opinion column titled “Building trust with westerners” in the Las Vegas Review-Journal, directing federal law enforcement to take a secondary supporting role, and that “local law enforcement bears primary responsibility for enforcing state and federal laws.” This direction explicitly implements the policy agenda of the Constitutional Sheriffs and Peace Officers Association (CSPOA), which states, “Constitutional limits on ownership and/or control of land within a sovereign state should be returned to our policies and practices. States should have a plan for assuming control of all lands within their boundaries not obtained by Constitutional means. ... The federal agencies now claiming control of land within a state should be drastically downsized and/or dismantled. County Sheriffs in these states should take their rightful position and use their authority to assist in the transfer of control of the land, and prosecution of violations of citizens’ rights by federal authorities.” The CSPOA is a public lands extremist organization affiliated with armed militants including Ammon and Cliven Bundy, and which itself played a significant role<sup>1</sup> in the armed occupation of Malheur National Wildlife Refuge in 2016.

The presence of “Constitutionalist” sheriffs is known to increase the likelihood of violence against BLM’s employees. Using scientific methodology, a new study<sup>2</sup> showed that western counties with Constitutionalist sheriffs have a 50% greater likelihood of violence against BLM employees than western counties that did not have Constitutionalist sheriffs. This study also finds that “constitutionalist sheriffs can protest perceived federal over-reach by refusing this request or obstructing federal employees from enforcing the law. In addition to denying federal agencies their help, sheriffs can make it unnecessarily difficult for federal employees to enforce the law.” Mr. Pendley’s statements and actions to meet with Constitutionalist sheriffs undermine the operational effectiveness of the BLM and endangers its employees.

Mr. Pendley himself formerly represented San Juan County, Kane County, and Garfield County in Utah as counsel of record in their legal intervention to defend the reduction of land area, and therefore protections, for Bears Ears and Grand Staircase-Escalante National

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<sup>1</sup> <https://www.splcenter.org/fighting-hate/intelligence-report/2016/line-sand>

<sup>2</sup> Nemerever, Z. 2019. Contentious federalism: Sheriffs, state legislatures, and political violence in the American West. Political Behavior doi:10.1007/s11109-019-09553-w

Monuments. Each of these counties had elected Constitutionalist sheriffs for at least part of the period of 1995 through 2015 (Nemerever 2019). The fact that Pendley's current appointment gives him the power to direct BLM officials to defer to the policy agendas of these counties, which includes maximizing resource extraction and opening lands to motor vehicles that were previously closed to protect wildlife habitat and irreplaceable cultural sites, is deeply troubling. In addition, it appears that Mr. Pendley is still receiving payments from his former employer, Mountain States Legal Foundation,<sup>3</sup> which continues to be involved in litigation against BLM. Regardless of Pendley's recusal from any involvement in this litigation, his position at the head of the BLM is a conflict of interest, or at the very least, a public perception of the same that undermines his credibility and authority to direct the Bureau.

We also are gravely concerned that Deputy Director Pendley's mismanagement of a move of top BLM personnel from Washington, D.C. to Grand Junction, Colorado is causing long-term damage to the agency entrusted with the largest acreage of American public lands. This relocation of BLM headquarters employees has not been approved through the Congressional appropriations process. A relocation directive<sup>4</sup> issued under Mr. Pendley's auspices states, "If you do not accept this directed geographic reassignment, you may be subject to a removal from Federal service." This unwarranted (and potentially illegal) threat of termination is demoralizing career employees at the same time he is undermining the operational effectiveness of the agency.

Pendley holds views that are antithetical to the BLM's mission to manage public lands and resources on behalf of all Americans. In fact, Mr. Pendley has called for selling off public lands. In 2016, Pendley authored an article in the National Review in which he justified the actions of anti-public-lands extremists and argued the U.S. Constitution all but requires the federal government to sell the lands it owns in the West. At the BLM, he now oversees 245 million acres of public lands.

Further, in public remarks made before the Society for Environmental Journalists conference in Fort Collins, Colorado, on October 11<sup>th</sup> of this year, Deputy Director Pendley characterized wild horses as the most important issue facing western public lands. Major issues currently facing the BLM include:

- Fossil fuels production from public lands and its role in accelerating climate disruption.
- The continued decline of the greater and Gunnison sage-grouse toward extinction.
- The chronic failure of millions of acres of public lands to achieve basic land-health benchmarks as a result of excessive livestock grazing.

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<sup>3</sup> Yachnin, J. BLM chief's financial ties to law group run deep. Greenwire, October 16, 2019.

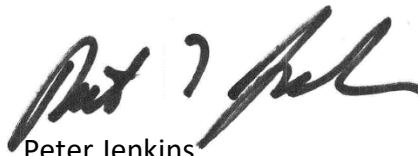
<sup>4</sup> Memorandum to employees from Joan Shoemaker, BLM Asst. Director for Resources and Planning, titled 'Notice of Management Directed Geographic Reassignment (MDR),' November 12, 2019.

- The expansion of the invasive weeds cheatgrass and medusahead wildrye resulting in habitat quality reduction and increased fire extent and frequency.
- Difficulty in maintaining wildlife migration corridors in the face of ongoing industrialization.
- And challenges posed by the need to facilitate climate adaptation for native plants and wildlife with changing vegetation distribution and precipitation patterns.

The “existential threat” Mr. Pendley characterized wild horses as posing pales in comparison, and serves only to distract needed BLM focus on the more urgent issues it must address. By perpetrating this distraction, the Deputy Director is guilty of dereliction of his duty to provide competent leadership for the nation’s largest land management agency. Wild horses are not nearly the “existential threat” to public lands that Mr. Pendley is.

For the foregoing reasons, William Perry Pendley lacks the legal imprimatur, dedication to his agency’s mission, and practical competence to continue exercising the authority of the Director of the BLM. We respectfully request that he step down immediately, or be removed from office.

Respectfully yours,



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Hailey, Idaho 83333

Peter Jenkins  
Public Employees for Environmental Responsibility  
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*Signing on behalf of*

Brooks Fahy  
Predator Defense

Christina DeVillier  
Greater Hells Canyon Council

Sarah Fields  
Uranium Watch

Jayson O’Neill  
Western Values Project

Jeff Kuyper  
Los Padres ForestWatch

Nicole Ghio  
Friends of the Earth US

Jim Coda  
Jim Coda Photography

Tara Thornton  
Endangered Species Coalition

Chance Cutrano  
Resource Renewal Institute

Steven Emerman  
Malach Consulting

Caryl McIntyre Edwards  
Voice for Animals

Matthew Koehler  
WildWest Institute

John Gaedeke  
Brooks Range Council

Shelley Silbert  
Great Old Broads for Wilderness

Maureen Hackett, MD  
Howling for Wolves

Thomas Wheeler Environmental Protection Information Center	Kimberly Baker Klamath Forest Alliance	Emily Roberson Native Plant Conservation Campaign
Ángel Peña The Nuestra Tierra Conservation Project	Patrick Nolan Friends of Organ Mountains - Desert Peaks	Kristin Combs Wyoming Wildlife Advocates
Blaine Miller-McFeeley Earthjustice	Judi Brawer WildEarth Guardians	Pam Conley Boise Chapter, Great Old Broads for Wilderness
Mike Petersen The Lands Council	Ruth McHenry Copper Country Alliance	Nedim Buyukmihci Unexpected Wildlife Refuge
Camilla Fox Project Coyote	Ara Marderosian Sequoia ForestKeeper®	Denise Boggs Conservation Congress
Larry Campbell Friends of the Bitterroot	Rev. Robert Hall Delaware Ecumenical Council on Children and Families	Michael Kellett RESTORE: The North Woods
George Nickas Wilderness Watch	Andy Mahler Shagbark	Gary Macfarlane Friends of the Clearwater
Lisa Robertson Wyoming Untrapped	Jeremy Austin Oregon Natural Desert Association	Athan Manuel Sierra Club
Rosalind McClellan Rocky Mountain Recreation Initiative	Mike Garrity Alliance for the Wild Rockies	Kirk Robinson Western Wildlife Conservancy
Jason Christensen Yellowstone to Uintas Connection	Hilary Eisen Winter Wildlands Alliance	Nancy Warren National Wolfwatcher Coalition
Dr. Jackie Canterbury Bighorn Audubon Society	Norman Bishop Wolf Recovery Foundation	Carol Ehrle Movement for a People's Party
Daniel Dietrich Point Reyes Safaris	Dave Willis Soda Mountain Wilderness Council	Leah Donahey Alaska Wilderness League
Oscar Simpson New Mexico Sportsmen	Michael Painter Californians for Western Wilderness	Margrete Strand Public Citizen

Khale Century Reno Wyoming Wilderness Association	Tony Langbehn Maryland United for Peace and Justice	Roger Dobson Protect The Wolves™
Mary Hertert Grand Junction Great Old Broads for Wilderness	Rose Marcario Patagonia	William Rossiter NY4WHALES
Richard Bell Dakota Rural Action, Black Hills Chapter	James Jensen Montana Environmental Information Center	Ivan Weber Weber Sustainability Consulting
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Elanne Palcich Save Our Blue Sky Waters	Vivian Stockman Ohio Valley Environmental Coalition	Matt Reid High Country Conservation Advocates
Randi Spivak Center for Biological Diversity	Jimbo Buickerood San Juan Citizens Alliance	Oscar Simpson New Mexico Horse Council
Cody Hodson Black Hills Sportsman Club	Allyson Siwik Gila Resources Information Project	Steve Allerton Western Colorado Alliance
Lexi Tuddenham Sheep Mountain Alliance		