

June 2020

Dear Members of the U.S. Senate and U.S. House of Representatives
CC: Secretary of the Interior David Bernhardt

Public lands support many communities across the West. From providing a special and desirable way of life for residents to drawing visitors who support the state, local, and federal outdoor recreation economies, public lands are crucial to the economic and cultural vitality of many communities in the Western U.S.

As local elected officials from these communities, we represent year-round residents annual visitors, who recognize the importance of thoughtful public lands management - this means public lands being managed to support conservation, preservation, and recreation not just the rushed overdevelopment of natural resources.

Most recently, the biggest threat to America's public lands has been the continued re-appointment of William Perry Pendley as the Acting Director of the Bureau of Land Management (BLM). He hasn't gone through the scrutiny permanent roles have via a Senate-approved confirmation process required of this position. Mr. Pendley has a long history advocating for the sale of federal public lands and pushing for a reduction in government oversight to encourage private, and often detrimental, exploitation of public lands. His lengthy track record makes him wholly unqualified to be leading an agency responsible for the oversight of 700 million subsurface mineral acres and 245 million surface acres - 1/10th of the U.S. landmass.

History of Dubious Action

Further, Mr. Pendley has a strong history of dubious actions favoring industry. In 1984 he was criticized for mismanaging the Department of Interior's (DOI) coal leasing program which resulted in taxpayers being shortchanged by \$100 million in a Powder River Basin sale. More recently, Mr. Pendley has been asked to recuse himself from a case involving oil and gas leases in Badger-Two Medicine in Montana. Mr. Pendley previously represented the industry interest in this contested lease and now oversees the agency that would issue the lease, which remains in litigation. His predilection towards industry directly opposes what nearly three-quarters of American voters think: that conserving and protecting natural places is a bigger priority than increasing oil and gas development on public lands.

Mountain States Legal Foundation

The list of Mr. Pendley's conflicts of interest is long, as he spent 30 years as the President of the Mountain States Legal Foundation, a law firm that has represented clients against federal land-use restrictions and other property rights issues. His time there was consumed with suing federal agencies, including the one he is now overseeing, to challenge conservation and public lands policies, such as national monument designations. He has sued to reduce protections for endangered species such as the grizzly bear, represented oil and gas prospectors such as Solenex, and has been a part of lawsuits to compel the federal government to sell public lands. All of these actions work to reduce the conservation of public lands and put industry interests above those of the American people.

Selling off Public Lands

A 2017 poll found that 78% of voters nationwide oppose the idea of privatizing and selling off America's public lands. Yet as recently as 2016, Mr. Pendley publicly argued that the U.S. Constitution requires the government to sell the public lands it owns in the West. Americans have consistently opposed this, with 9 in 10 voters citing the importance of protecting America's national parks, forests, public lands, and other natural places.

In his current role, Mr. Pendley is working to revise the Endangered Species Act (ESA) and dismantle the BLM by moving all but 61 employees West. His continued re-appointment as Acting Director sets a dangerous precedent in allowing an individual in a temporary, non-Senate confirmed position to make permanent and detrimental decisions about the management of America's public lands. Mr. Pendley's continued role as Acting Director and the absence of an official presidential nomination is an egregious abuse of the Federal Vacancies Reform Act, and he must be removed.

William Perry Pendley is not qualified to lead the BLM, and as he and the Department of the Interior are blatantly attempting to circumvent the Senate's constitutional "advice and consent" role in confirming high-level nominees, we urge you to oppose Mr. Pendley's role as Acting Director and push for an official nomination of someone who has a history of supporting the continued conservation and preservation of America's public lands. It is what American voters want and what our Western communities need.

Sincerely,

Chair, Eagle County Board of Commissioners Kathy Chandler-Henry
Eagle County Board of Commissioners, Matt Scherr
Eagle County Board of Commissioners, Jeanne McQueeney
Councilperson and Mayor Pro Tem Todd Brown, Telluride, Colorado
Councilperson Tom Watkinson, Telluride, Colorado
Councilperson Lars Carlson, Telluride, Colorado
Trustee Luis R. Yllanes Jr., Carbondale, Colorado
Mayor John Clark, Ridgway, Colorado
City Councilor Tonya Graham, Ashland, Oregon
Mayor Pro-Tem Eric Johnson, Ridgway, Colorado
Councilor Robb Austin, Ridgway, Colorado
Councilor Ninah Hunter, Ridgway, Colorado
Councilor Tessa Cheek, Ridgway, Colorado
Councilor Beth Lakin, Ridgway, Colorado
Councilor Russ Meyer, Ridgway, Colorado