

MEMO

TO: Montana Reporters and MCV Members

FROM: **Whitney Tawney**
Deputy Director, Montana Conservation Voters

July 27, 2020



Why Montanans Oppose Acting BLM Director William Perry Pendley *Unconfirmed Director Has a Long History Fighting Against Public Lands*

BACKGROUND

On June 30, President Donald Trump [formally nominated](#) William Perry Pendley to be Director of the Bureau of Land Management. Pendley has served as the agency's acting director, without Senate confirmation as required by the Constitution, since July of 2019.

Pendley's controversial nomination comes on the heels of [MCV's letter](#) asking Montana's congressional delegation for an up or down confirmation vote on his position at the BLM. Only Senator Jon Tester [responded in agreement](#), while Senator Steve Daines has called concerns about Pendley "overblown" and said he's "[not found a reason to be against him](#)."

On July 20, [Montana Governor Steve Bullock filed a lawsuit against Pendley](#) and the BLM for continuing to serve as acting director without a Senate confirmation as the U.S. Constitution requires. "Pendley lacks legal authority to direct the Bureau of Land Management and because Pendley's conduct as acting director harms the State and the people of Montana," Bullock's complaint adds.

MCV and its members, along with many others who champion public lands in Montana, have plenty of reasons to oppose William Perry Pendley. During the July 24 episode of MCV's new podcast, [MCVcast](#), guest Tracy Stone-Manning (former Director of the Montana Department of Environmental Quality) said:

"Mr. Pendley doesn't believe in public lands; he believes they should not exist....He's completely unfit for the job....We need somebody in that position who believes deeply in the mission of the agency, and who understands the remarkably beautiful, unique, shared asset that we all have called public lands."

The BLM oversees more than a quarter billion acres of federal public land across the U.S., including nearly 8 million BLM surface acres in Montana. During the coronavirus pandemic, [Pendley's BLM has taken dozens of actions](#) to weaken environmental protections despite the fact that 25% of carbon emissions in the U.S. are generated on public lands. Prior to his tenure as acting director, Pendley [represented energy companies trying to develop the Badger-Two Medicine](#), a region sacred to the Blackfoot Nation.

Now that President Trump has formally nominated Pendley, the Senate Energy and Natural Resources Committee will hold a hearing to consider his nomination. Senator Daines is a member of the Senate Energy and Natural Resources Committee majority. During an upcoming hearing, Daines will have the opportunity to ask Pendley questions about Pendley's troubling support for selling off public lands, his opposition to Montana's stream access law, and numerous other positions that would undermine Montana's great outdoors.

Both Montana Conservation Voters, a nonpartisan, not-for-profit 501(c)4 membership organization, and its sister organization, the 501(c) MCV Education Foundation, are currently educating its members and all Montanans about the threat Mr. Pendley poses to Montana's public lands.

WHO IS ACTING BLM DIRECTOR WILLIAM PERRY PENDLEY?

An advocate for selling off all federal lands

- 1981: [Pendley advocated for selling off all Bureau of Land Management lands east of the Mississippi River.](#)
- In the 1980s, Pendley argued for selling off five percent of federal lands, a proposal the Reagan Administration initially pursued but then backed off from.
- 2016: Pendley [penned a column in *National Review*](#), writing that the “Founding Fathers intended all lands owned by the federal government to be sold.”
- 2017: [Pendley called to get rid of the Antiquities Act](#), which allows presidents to protect public land, saying it had “long ago outlived its usefulness.”
- Pendley ran a law firm in Colorado called the Mountain States Legal Foundation, which advocated for the transfer of federal lands to states--a first step toward selling off those lands.



An opponent of Montana’s public stream access

- In 2000, [Pendley and the Mountain States Legal Foundation represented out-of-state landowners](#) who wanted to overturn Montana’s stream access law. The plaintiffs in the case were from Arizona.
- The plaintiffs charged that Montana’s public stream access law deprived them of privacy and income, even though Montanans have the right to access all streams, lakes and rivers (riverbeds and lake beds, up the high-water mark, are designated as public land in Montana).
- Montana’s Public Land/Water Access Association said sportsmen would [“do whatever it takes to defend stream access”](#).
- [As a lawyer with the Attorney General’s office](#), Steve Bullock successfully defended Montana’s stream access laws against the Mountain States Legal Foundation.

An advocate for developing “all the lands”

- Pendley represented Solenex, a Louisiana-based energy company that wanted to explore energy opportunities in the Badger-Two Medicine area, which is considered sacred to the Blackfoot people, using a lease that was purchased during the Reagan Administration.
 - Pendley was vocal in his criticism of the federal government for cancelling Solenex’s lease.
- Pendley ignored the cultural and spiritual importance of the land, saying if there were sacred artifacts on the land in question, developers could “mitigate” to protect them.
 - Pendley opposed a review by a federal panel on historic preservation which had ruled that natural gas exploration and Blackfoot religious and cultural practices did not mix in the Badger-Two Medicine area.

- Solenex ignored multiple offers to negotiate a settlement in the case and instead opted to pursue aggressive litigation.
 - Solenex's top executive even ignored an invitation from the Blackfeet Nation to visit the Rocky Mountain Front.
- W.S. Moncrief Oil Co. settled a similar lawsuit to Solenex's and said the sensitivity to the area outweighed the development.
- Blackfeet Nation members said their land and culture were threatened by the Solenex lawsuit.
- In 2019, [Pendley told a Montana rightwing radio show](#) that he's part of a push "committed to developing all the lands."
- 2020: [A Washington, D.C., circuit court overturned a federal court decision](#) that reinstated Solenex's lease and upheld the protection of Badger-Two Medicine.
- 2020: With Pendley's direction, [BLM released two resource management plans for public lands around Lewistown and Missoula](#) that would open up over 95 percent of the 650,000 acre Lewiston planning area to oil and gas.

A climate change denier

- Pendley has repeatedly [denied the existence of climate change](#).
- [CNN](#) reported that Pendley's climate change denial has "drifted into even more fringe claims" that falsely link the environmental movement to communism.

Conflicts of interest

- [Pendley's 17-page recusal list](#), detailing over 50 conflicts of interest and some 57 entities that he should be ethically dismissed from working on, touch on nearly every aspect of the BLM's mission with a particular focus on clients engaged in extractive activities on public lands.
- Pendley has represented clients in lawsuits to open lands surrounding the Grand Canyon to new uranium mining, to drill in Montana's sacred Badger-Two Medicine, and to remove protections for Bears Ears and Grand Staircase-Escalante National Monuments, among many others.

CONCLUSION

An overwhelming majority of Montanans consider themselves supporters of Montana's public lands, and many consider themselves conservationists, regardless of political persuasion. Senator Steve Daines claims to be one of them, despite his troubling conservation record in the U.S. Senate. While Senator Jon Tester has vocally opposed Pendley--a position in line with most Montanans--Daines has said he "has not found a reason to be against" Pendley. MCV and its members, along with many other advocates for public lands, believe Pendley's long and troubling record is a clear enough reason. We are calling on Montanans to ask Senator Daines to oppose Pendley--for his support of selling off public land, fighting Montana's stream access, turning his back on sacred land, and weakening responsible protections for our land, clean air and clean water.

###

Montana Conservation Voters is a statewide non-partisan membership organization dedicated to fighting for Montana's air, water, open spaces, wildlife and public health. MCV provides voter participation services to over tens of thousands of Montanans. Visit mtvoters.org for more details.