

Statement Regarding Pendley Court Decision

The Public Lands Foundation has advocated for the Administration to nominate a BLM director as required by the Federal Land Policy and Management Act and the Federal Vacancy Reform Act, but the Administration has not done so. Judge Morris' recent decision should not be a surprise. The result is that the BLM remains without a director and it is now uncertain who will be leading the Bureau. The Court's order calls into question decisions made by Mr. Pendley in Montana, and any other decisions on BLM-managed public lands made by him during this timeframe. The PLF continues to advocate for the timely selection of a BLM Director who has professional land management experience as required in FLPMA.

We assume that the judge's decision regarding Pendley will be appealed and we have no comment about the litigation. We would point out that moving the headquarters 1,900 miles away from our nation's capital in a recent reorganization makes this situation a bit murky if this decision is affirmed. Will the Secretary of the Interior be making all BLM decisions while his staff of advisors is two time zones away? PLF has always been concerned about this issue and commented several times that the Director position should be filled using the required advice and consent process of Congress.