

Mr. Earl E. Devaney
Inspector General
Department of Interior
1849 C Street, NW
Washington, DC 20240

August 29, 2005

Dear Mr. Devaney:

I am writing on behalf of Public Employees for Environmental Responsibility (PEER) to request that your office conduct an investigation into whether Kathleen Clarke, the Director of the U.S. Bureau of Land Management (BLM), violated 1) criminal conflict of interest laws; 2) broke federal and agency conflict of interest regulations; and 3) improperly created the appearance of favoritism.

According to the sworn testimony of the Public Lands Chairman of the Utah Cattlemen's Association (enclosed), Ms. Clarke advised and encouraged ranchers to sue the BLM after her own efforts to overturn grazing permits issued to an environmental organization were stymied by her superiors in the Department of Interior.

The award of BLM grazing permits within the Grand Staircase-Escalante National Monument in Utah to the Canyonlands Grazing Corporation (CGC) has been controversial in ranching circles because the corporation is affiliated with the Grand Canyon Trust, which has bought permits from willing seller ranchers and worked to retire grazing from highly sensitive allotments. Fearing the spread of such grazing retirements, the Utah Cattlemen's Association led a political effort to block the CGC permits. After the permits were issued, the ranchers filed an appeal challenging the arrangement.

The federal court challenge appeal (LeFevre et al vs. BLM) included testimony from Richard Nicholas, former Public Lands Chairman of the Utah Cattlemen's Association. Nicholas testified that in direct, personal conversations with him, Clarke –

- Encouraged the ranchers to sue BLM, telling him, "Go get them." Clarke called Nicholas at home to make sure the Cattlemen's Association had filed its protests in a timely manner so as to ensure its "standing" to sue BLM;
- Complained that she "was rolled" by superiors in the Interior Department on the matter, citing Assistant Secretary Lynn Scarlett, for one, as being "too attached to the deal:" and

- Declared that she “was against grazing elimination anytime” regardless of the condition of the land, a position that conflicts with agency policies on multiple use and its duties under the Federal Land Management Policy Act.

Federal employees are forbidden from serving as an agent in a case or controversy against the interests of the U.S. government [see 18 U.S.C. § 205]. In this instance, Ms. Clarke appears to have helped incite or abet a direct legal challenge to a federal agency.

As Director of BLM, Kathleen Clarke is supposed to evenhandedly administer the law, and “not give preferential treatment to any private organization or individual” [5 CFR § 2635.101 (a) (6)]. This testimony reveals Kathleen Clarke as someone willing to set aside her allegiance to the people of the United States to cater to public lands grazers.

In addition, federal rules prohibit creating the appearance of a conflict of interest, as well as actual conflicts. In this case, the testimony depicts Ms. Clarke as conveying the distinct impression that she is letting her personal views override with her duties as BLM Director.

If a BLM employee was to be publicly discovered similarly encouraging environmental organizations to sue BLM in order to reduce public land grazing, there is no doubt that BLM would take swift and severe action against that employee. PEER is asking that a BLM employee, who happens to be director, who engages in that same conduct, though on the opposite end of the environmental spectrum, be treated comparably.

If you have questions or need any additional information in order to evaluate the merits of this request for investigation, please do not hesitate to contact me.

Cordially,

Jeff Ruch
Executive Director

Cc. Kathleen Clarke, BLM Director
U.S. Office of Government Ethics