

# *Endangered Species & Wetlands Report*

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## **DOI IG report could spell trouble for Myers renomination to 9th Cir.**

By Steve Davies

William Myers, the former Interior Department solicitor who has just been renominated to the Ninth Circuit Court of Appeals, oversaw a negotiated settlement with a Wyoming rancher that circumvented normal procedures, the Interior Department's Inspector General said.

Interior IG Earl Devaney said the Office of the Solicitor, as headed by Myers, conducted negotiations for the settlement without involving BLM. In addition, "concerns articulated by the Department of Justice and the BLM field office were ignored by the [Solicitor's Office] and were not communicated to the BLM decision-maker; and the interests of the BLM and those of individual BLM employees were not adequately protected by the terms of the settlement agreement."

The November 2002 settlement between BLM and Harvey Frank Robbins stayed 16 grazing violations and gave Robbins more flexibility to graze in allotments that had less than 50 percent federal ownership. Public Employees for Environmental Responsibility, which filed a complaint with the IG, called it "remarkably one-sided."

In a letter summarizing an investigation that has yet to be made public, Devaney noted that BLM voided the settlement agreement in January 2004 based on Robbins' failure to comply with it.

During the negotiations that led to the settlement, "we found a large measure of inattention and passive acquiescence by senior BLM officials, and inappropriate level of programmatic involvement by the [Office of the Solicitor], and a profound lack of transparency in the overall negotiation and agreement process," Devaney said.

The results of Devaney's investigation will be used by environmental groups such as PEER, **Community Rights Counsel and Earthjustice** to urge senators to once again block Myers' nomination to the Ninth Circuit.

His nomination was blocked by a filibuster in the last session of Congress. President Bush renominated him along with 11 others to appeals court posts.