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Lawsuit calls out DOI, BLM, and USFWS for violating FOIA

Public documents concerning Arctic Refuge oil and gas leasing unlawfully withheld

ANCHORAGE--Trustees for Alaska and Bahr Law Offices [filed a lawsuit](#) today against three federal agencies for violating the statutory deadlines in the Freedom of Information Act and failing to disclose public information relating to implementation of oil and gas leasing in the Arctic National Wildlife Refuge.

The FOIA requests concern management of the Coastal Plain of the Arctic Refuge, including documents used to produce the draft environmental impact statement for oil and gas leasing, communications and other records relating to the Porcupine Caribou Treaty between the United States and Canada, and agency lease sale activities during the 2018–2019 government shutdown.

“The lack of response across multiple agencies underscores the anti-democratic tactics being used to promote drilling in the Arctic Refuge,” said Trustees for Alaska attorney Maresa Jenson. “FOIA is integral to our democracy. Delaying, ignoring, or withholding information sows distrust, prevents accountability and transparency, and breaks the law.”

Trustees submitted multiple FOIA requests in 2018 and 2019 on behalf of the four plaintiffs in the suit--the Gwich'in Steering Committee, The Wilderness Society, Alaska Wilderness League, and Defenders of Wildlife.

“We need to know what agencies are doing and reviewing when deciding what happens to sacred lands and our way of life,” said Bernadette Demientieff, executive director of the Gwich'in Steering Committee. “We have a right to know what influences are at play when these agencies make decisions about our future.”

The suit filed in the U.S. District Court of Alaska calls out the U.S. Department of the Interior, the U.S. Bureau of Land Management, and the U.S. Fish and Wildlife Service for withholding public information vital to holding agencies accountable to the law.

“The Trump Administration’s rush to drill the Arctic Refuge has been tainted by its energy-dominance-at-all-costs and anti-science agenda,” said Alison Flint, director of litigation and agency policy with The Wilderness Society. “The public is entitled to know what is playing out behind closed doors and to have access to the records the agencies are relying on. Yet instead of devoting the necessary resources to satisfy their FOIA obligations, the agencies ignore our requests and continue to focus only on rolling back protections for the Arctic Refuge.”

Patrick Lavin, Alaska Policy Advisor with Defenders of Wildlife, said that the Arctic Refuge belongs to all Americans. “We have a right to know how our public lands are being managed and shouldn’t have to file lawsuits to access public information. This case is about bringing transparency to what has been a rushed and secretive process to sell out a national treasure to the oil industry.”

Kristen Miller, conservation director at Alaska Wilderness League, said that the Trump administration “has adopted a pattern of avoiding transparency in order to hide the routine quashing of dissent and suppression of scientific concerns that has become its trademark. It doesn’t want the public to know that serious, science-based concerns exist over the impact that drilling will have on Arctic land and wildlife, instead knowingly relying on outdated and incomplete science to guide its decision making at every step. And its farce of an environmental review is proceeding in this reckless way for no other reason than to meet rushed politically motivated deadlines.”

FOIA abuses have [become a significant problem](#) under this administration and its anti-transparency policies and practices, with groups increasingly forced to resort to litigation to obtain disclosure of requested records.

“These requests are being ignored and are stacking up across the country,” said attorney Dave A. Bahr of Bahr Law Offices. “The law exists because agencies and public servants can be improperly and illegally influenced by agendas that do not serve the public interest. The continued withholding of information by agencies called out in this lawsuit should only deepen distrust over how and why they make decisions, and who they really serve.”