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Photo: US Fish and Wildlife Service 

Bury the Science, Then Claim It Doesn't Exist: Interior Department Undermines Arctic Drilling Review

JOEL CLEMENT, SENIOR FELLOW | MARCH 13, 2019, 1:55 PM EDT

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Laws are good to have.

Take the National Environmental Policy Act (NEPA), which requires the federal government to complete a science-based Environmental Impact Assessment for any project that might damage the surrounding landscape, endanger wildlife, or cause other environmental harm. This helps ensure the wise use of science to protect our nation's world-class natural heritage.

Another great law? The Freedom of Information Act (FOIA), which requires federal agencies to provide copies of federal documents upon request. This helps ensure a transparent government in the public interest.

When federal agencies fail to honor either of these laws, they get sued. But what about when they fail to honor both of those laws...at the same time...intentionally? We may be about to find out, thanks to the latest scandal that emerged this week from President Trump's Interior Department.

According to [documents](#) obtained by Public Employees for Environmental Responsibility and posted online this week, the Interior Department [failed to consider](#) *[paywall]* more than a dozen internal memos from staff scientists raising scientific and environmental concerns about proposed oil and gas operations in the Arctic National Wildlife Refuge. These were not minor concerns; the memos described significant data gaps for understanding the habitat, and proposed studies that would be necessary to meet regulatory requirements. To make matters worse, the Department refused, when requested via FOIA, to disclose that these important documents even existed.

This failure is striking because the Arctic Refuge is one of the most sensitive protected areas on Earth as well as a sacred area for the Gwich'in people—the agency knew that its activities would be closely scrutinized. Indeed, over the past few decades efforts to drill in this sensitive area were rebuffed by Congress or the president time after time. It took a Republican sweep of the House, the Senate, and the White House to put drilling on the table, and it still required a [rider](#) on the 2017 tax reform law to start the process.

For Americans concerned about the environment and environmental justice for Alaska Natives, efforts to industrialize the coastal plain of the refuge would be a disaster. So all eyes were on the process, begun by then-Secretary Ryan Zinke, to quickly get oil and gas leasing underway there.

And yet, in the Trump Administration's march to drill everything they can while they still can, the [environmental review](#) was rushed, incomplete, and by all accounts a cut and paste operation using out-of-date research. While the sloppiness of the work left the review legally vulnerable, the release of these

memos suggests this was more than just a slipshod rush-job; it suggests there was an intentional effort to hide scientific findings/concerns that may have slowed down the administration’s rush to drill.

In some ways this is not surprising—the agency is now led by Acting Secretary David Bernhardt, a walking conflict of interest and former oil and gas lobbyist whose micromanaging has bottlenecked everything from [science grants](#) to [National Park restoration projects](#). According to one [lawsuit](#) already underway, his former clients “began receiving sudden and dramatic windfalls only months since his swearing-in.” Doesn’t sound like a by-the-book guy, but this latest gaffe indicates an even more cynical attitude toward the laws of the land.

Despite the Trump Administration’s numerous [depredations](#) of science and the environment, Americans—and Congress—still expect public servants to actually serve the public rather than provide handouts to industry and former clients. Bernhardt and his political staff must explain why they buried important scientific information and then denied its very existence, and face the legal consequences for doing so. Anything less is a betrayal of the public trust, and certainly disqualifies Bernhardt from his current role as a public servant.

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