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Biden administration acknowledges legal problems with Interior's Ambler road approval

Filing asks to leave permits in place while revisiting subsistence and cultural analysis

Today the Department of the Interior asked the court to send the Ambler road right-of-way decision back to the agencies to address deep legal flaws in the analysis of impacts to subsistence and cultural resources, but ignored a number of other fatal legal errors. It also wants to leave the right-of-way permits for the project in place while addressing the legal errors.

"We appreciate that Interior acknowledged the legal problems with the prior administration's analysis of impacts to subsistence and cultural resources, but it is hugely troubling that it ignored a number of fundamental legal violations and is nevertheless allowing AIDEA to keep its permits for this destructive project," **said Suzanne Bostrom, senior staff attorney with Trustees for Alaska.** "This project never should have been authorized in the first place, and the agencies can't fix their broken analysis by papering over their mistakes after the fact. This administration should be prioritizing the health of communities and the Arctic, not politics and profits for outside corporations."

The 200-plus mile industrial gravel road would destroy and pollute Arctic land and water, and disrupt and harm the health of wildlife and people across a broad region in the southern Brooks Range. The road would cut through Gates of the Arctic National Preserve and pose numerous threats to the people, water, and wildlife of Northwest Alaska, impacting caribou migrations, thousands of rivers and streams, and the way of life for numerous communities and people in the region.

The Biden administration's motion asks the court to allow it to revisit its decision on the Ambler Road to address certain deficiencies with its prior National Historic Preservation Act analysis and its analysis of subsistence impacts, and to do a supplemental environmental analysis addressing those flaws. Interior indicated it would suspend the right-of-way authorizations issued by the Bureau of Land Management and National Park Service during that process, but asked the court to keep in place the right-of-way and other authorizations related to the project while it fixes those legal errors.

"We are encouraged to see the Biden administration acknowledge the permitting process left serious gaps in analysis and failed to adequately consult with and gain consent from Brooks Range communities, but we are also deeply disappointed that they didn't go far enough by taking back these illegal permits," **says Lisa Baraff, Program Director at the Northern Alaska**

Environmental Center. "This leaves some real questions about the administration's commitment to the values they campaigned on, and we'll continue to defend the Brooks Range in the courts. We won't allow northern Alaska to be sacrificed to foreign mining interests."

The [suit](#) Trustees and the Western Mining Action Project filed in 2020 charges multiple Department of the Interior agencies and the Corps of Engineers with violating the law when approving the Ambler project based on an inaccurate and inadequate environmental review. The Biden administration ignores the merit of those claims, and asks the court to allow the applicant, the Alaska Industrial Development and Export Authority, to keep its permits for the project in order to protect its economic interests. The court has not yet ruled on Interior's request, and our fight to stop the Ambler Road is far from over.

A separate lawsuit filed by five Alaska Native villages and the [Tanana Chiefs Conference](#) also challenged a number of legal violations that occurred when agencies authorized the Ambler Road, including failing to meaningfully analyze the impacts to tribes and subsistence. The Tanana Chiefs Conference also issued [a statement](#) about today's announcement.

Local communities, including Allakaket, Ambler, Bettles, Evansville, Huslia, Kobuk, Kotzebue, Koyukuk, Loudon, Rampart, Ruby, and White Mountain have voiced opposition to the Ambler proposal, which would fragment caribou habitat, pollute water, and diminish access to hunting, fishing and traditional activities.

Interior's announcement today comes just weeks after AIDEA's board voted to spend another \$15 million to push the project forward and continue spending state money on a fiscally irresponsible proposal. Much of AIDEA's proposed summer field work could still move forward following Interior's announcement.

Groups have called for more scrutiny over AIDEA's lack of transparency and accountability, particularly in funding the Ambler proposal. Despite that, AIDEA has continued spend millions of dollars advancing the project without legislative approval. The projected cost to build the project is upwards of one billion dollars.

Trustees for Alaska and Western Mining represent 11 groups in the lawsuit: Northern Alaska Environmental Center, Alaska Community Action on Toxics, Alaskans for Wildlife, Alaska Wildlife Alliance, Center for Biological Diversity, Earthworks, National Audubon Society, National Parks Conservation Association, Sierra Club, The Wilderness Society, and Winter Wildlands Alliance.

CLIENT QUOTES

"The Biden Administration's decision to recommend that the permit be suspended, rather than revoked, is disappointing," **said Bonnie Gestring, northwest program director at Earthworks.** "The National Environmental Policy Act requires that the agency take a hard look at the potential harm to communities, public lands and waters *before* issuing a decision. Let's not pretend that justice is served by a decision to do anything other than revoke a legally flawed permit."

"This Ambler road proposal would fragment habitat and jeopardize the health of wildlife in the northwest arctic," **said Nicole Schmitt, executive director of the Alaska Wildlife Alliance.**

“The administration must consider the needs of Alaskan Tribes and wildlife above the poorly-hatched wishes of a foreign mining company.”

“We appreciate that this administration acknowledges some of the legal problems with the previous analysis but, given the harm that this road would do to the region’s wildlife and the communities that depend on a healthy environment and abundant natural sources of food, we are disappointed the administration is allowing AIDEA to keep its permits and ignores many of the legal problems with the process to date,” said **Karlin Itchoak, Alaska state director for The Wilderness Society**. “The Department of Interior is prioritizing the interests of foreign mining companies, and that is simply unacceptable.”

“The road to Ambler will cause significant harm to Alaskan landscapes and the local communities and wildlife that rely on it,” said **Dan Ritzman, director of Lands, Waters and Wildlife for the Sierra Club**. “We are disappointed that the Biden Administration acknowledged only a subset of legal problems, and is allowing the permits for this damaging project to stay in place for now. We will not stop until this road is a dead end.”

“The development of this road and the associated mining district will only compound the harmful impacts of a rapidly warming region,” said **David Krause, director of conservation for Audubon Alaska**. “Today’s decision to revisit the Ambler Road’s environmental analysis is a step in the right direction and we will continue to fight this proposed development.”

“Winter Wildlands Alliance is disappointed in the Biden administration for allowing these permits to stand instead of fully addressing the concerns of those who live in and love the southern Brooks Range,” said **Hilary Eisen, policy director for Winter Wildlands Alliance**. “We will continue to fight the Ambler Road, to protect this wild winter landscape and the way of life that it supports.”

“It’s beyond disappointing that the Biden administration is willing to jeopardize some of the country’s last unspoiled wilderness to appease corporate interests,” said **Randi Spivak, public lands director at the Center for Biological Diversity**. “Leaving these permits in place flies in the face of the administration’s goal to protect 30 percent of our lands and waters to address the wildlife extinction crisis. Bulldozing a mining road through Gates of the Arctic National Park and Preserve would be disastrous for wildlife and this magnificent wilderness, and we’ll do everything possible to stop it.”

“The Biden administration failed to fully address concerns from Alaska Native tribes, local communities and the American people who have a vested interest in the continued connectivity and resilience of the Western Arctic,” said **Alex Johnson, Alaska Senior Program Manager for the National Parks Conservation Association**. “The administration’s action does not stop flawed approvals of the Ambler Road through the wildlands of Northwest Alaska, including Gates of the Arctic National Preserve. Given today’s action, we are deeply concerned that mining companies and the State of Alaska could largely continue with their plans to pour millions of dollars this year into harmful construction efforts on the Ambler mining road.”

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