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## **Ninth Circuit Court ruling threatens land, water, wildlife in Izembek Refuge**

A Ninth Circuit Court of Appeals ruling today threatens the health of land, water, and wildlife in Izembek National Wildlife Refuge by allowing the Interior Secretary to trade away public land and congressionally designated Wilderness to a private corporation for the purpose of building a commercial road.

Two previous District Court decisions found that Interior could not use the land exchange provision of the Alaska National Interest Lands Conservation Act to gut a National Wildlife Refuge and congressionally designated Wilderness Area. The Biden administration defended the Trump era land exchange agreement on appeal.

“The failure of Ninth Circuit to uphold the District Court’s decision to halt the proposed desecration of the Izembek Refuge Wilderness and wildlife that rely on it allows Interior to give away public lands to serve special interests at the expense of the American people,” said **David C. Raskin, president of Friends of Alaska National Wildlife Refuges**. “We are deeply disappointed that this decision reinstates the unethical efforts by the Trump administration to circumvent decades of legislation and regulations enacted to protect public lands and natural areas from destructive developments and preserve them for the benefit of all Americans. We will use every means at our disposal to continue the fight to save the Izembek Refuge.”

Commercial and private interests have advocated for a road for decades. Under the Trump administration, Interior made repeated attempts to make way for that road by trading away land in Izembek Refuge designated as Wilderness by Congress. A [court ruling](#) in March 2019 voided a the first land swap, and Interior tried again in [June 2020](#). Interior appealed the 2020 Court decision and the Ninth Circuit heard [oral arguments](#) in August 2021.

The Ninth Circuit Court in a 2–1 decision reversed the District Court, holding that Interior did not violate ANILCA because ANILCA’s protections would no longer apply with the completion of the exchange and the lands are then private. It further erred in finding that ANILCA’s purposes exclude social and economic concerns, and that the Secretary has broad discretion to reverse course on policy decisions.

“This dangerous ruling allows an unelected Interior Secretary to overrule Congress by simply giving away lands designated as Wilderness,” said **Bridget Psarianos, staff attorney with Trustees for Alaska**. “This is not about medical access. Other transportation options have been studied that will provide King Cove the medical access it seeks. No, this is about commercial corporate interests and the disregard for the laws that protect our nation’s lands, waters, and wildlife. We and our clients will continue to fight this illegal land exchange to protect Izembek’s irreplaceable values and all of Alaska’s protected public lands.”

The case is now remanded to the District Court.

Law firm Trustees for Alaska represents nine groups in the lawsuit: Friends of Alaska National Wildlife Refuges, Alaska Wilderness League, the Center for Biological Diversity, Defenders of Wildlife, National Audubon Society, the National Wildlife Refuge Association, Sierra Club, The Wilderness Society, and Wilderness Watch.

## **GROUP STATEMENTS:**

“Building a road through Izembek would result in a bad deal for the environment, a bad deal for taxpayers, and would set a disastrous precedent for the destruction of critical wilderness in our nation’s national wildlife refuges,” said **Kristen Miller, acting executive director at the Alaska Wilderness League**. “The wilderness values of the Izembek Wildlife Refuge are irreplaceable. This public land giveaway allows a road right through the heart of the Izembek refuge is not adequately justified, and we will absolutely continue to fight this project at every level.”

“The U.S. Department of the Interior and lower courts have repeatedly decided that no road should be built through Izembek National Wildlife Refuge,” said **Karlin Itchoak, Alaska state director for The Wilderness Society**. “The Ninth Circuit’s decision to overrule the U.S. District Court endangers wildlife and designated Wilderness that is supposed to remain permanently protected. This fight isn’t over. Izembek National Wildlife Refuge must be protected for future generations.”

“We are seriously troubled by the court’s decision to move forward with a nefarious deal to trade away Izembek National Wildlife Refuge,” said **Jamie Rappaport Clark, Defenders of Wildlife President and CEO**. “Despite the frustrating setback, this fight is far from over. We will use every tool available to protect the refuge and its globally significant lands and wildlife for the benefit of all who love and appreciate the great outdoors.”

“The wilderness of the Izembek Wildlife Refuge is irreplaceable and globally significant for the wildlife that call it home,” said **Dan Ritzman, director of the Sierra Club’s Lands Water Wildlife Campaign**. “Pushing a road through the Refuge puts these valuable resources at immediate risk and goes against the will of the American public. This decision is a dangerous one and prioritizes corporate interests over the interests of taxpayers and the environment.”

“While we may have lost this skirmish, the battle to protect Izembek is far from over,” said **George Nickas, executive director of Wilderness Watch**. “It’s high time the Biden Administration stop pursuing this Trump-era road and start defending this irreplaceable wildlife refuge and Wilderness as Congress intended and the American people deserve.”

“We are deeply disappointed to see the Ninth Circuit allow the giveaway of irreplaceable wilderness habitat in the Izembek National Wildlife Refuge—land that benefits all Americans,” said **Geoffrey L. Haskett, president of the National Wildlife Refuge Association**. “This ruling, which allows a land swap concocted in a nefarious back room deal, creates an incredibly dangerous precedent for our nation’s public lands, staking a ‘For Sale’ sign in front of every wildlife refuge in Alaska.”

“While today’s court ruling is disappointing, our commitment to the Izembek National Wildlife Refuge will persist,” said **Marshall Johnson, chief conservation officer, National Audubon Society**. “Keeping these globally significant wetlands intact is necessary for the survival of

millions of birds in the face of climate change. These important wetlands should be a centerpiece of our national climate strategy.”

“This devastating ruling sacrifices a globally important wetland that’s vital to millions of migrating birds, fish and caribou,” **said Randi Spivak, public lands director at the Center for Biological Diversity.** “The land swap is designed to benefit corporate and political interests, not the health of Izembek or its wildlife. This isn’t over by a long shot, and we’ll keep fighting to ensure Izembek remains protected.”

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