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Lawsuit challenges Trump administration's new land swap deal to bulldoze a road in Izembek National Wildlife Refuge

ANCHORAGE, Alaska—Conservation groups [sued the Trump administration](#) today by challenging a land swap deal between the Interior Department and King Cove Corporation aimed at putting a road through the heart of Izembek National Wildlife Refuge. Izembek is one of America's most ecologically significant refuges with wetlands that support wildlife of all kinds and millions of migrating birds, fish, and caribou.

The court [threw out](#) a previous land swap in March 2019 after successful litigation by Trustees for Alaska on behalf of the same groups. Interior Secretary David Bernhardt responded by executing a [new deal](#) on July 12 without public knowledge or input. Unlike the previous deal, the new one does not limit use of the road to health, safety, and non-commercial purposes. It is otherwise similar to the previous agreement rejected by the court.

“The Department of Interior has attempted an end run around the recent federal court decision that halted its plans to desecrate the Izembek Refuge Wilderness and its wildlife,” said David C. Raskin, president of Friends of Alaska National Wildlife Refuges. “This new backroom deal adds to a long series of actions by Interior to give away public lands to serve special interests at the expense of the American people. We are disappointed by this continuation of the illegal and unethical efforts of the current 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.”

Today’s lawsuit, filed by Trustees for Alaska in U.S. District Court in Anchorage, claims that Interior cannot use the land exchange provision of the Alaska National Interest Lands Conservation Act to gut a national wildlife refuge and circumvent public process, environmental review, and congressional approval. It further claims that the latest land swap deal violates the National Environmental Policy Act and fails to provide adequate justification for the agency’s reversal of its 2013 decision to reject a land exchange.

“This deal violates the same laws as the first one and we’re prepared to continue the legal fight to protect this irreplaceable wilderness,” said Bridget Psarianos, staff attorney for Trustees for Alaska. “This is another Trump administration public land giveaway that breaks multiple laws and dishonors the public processes that go into protecting the health of the lands, waters and wildlife of the National Refuge and Wilderness System.”

Congress passed ANILCA to preserve natural landscapes, wildlife, unaltered habitat, and designated wilderness areas. With a land swap, Interior would give an ecologically irreplaceable corridor of land between lagoons—a vital area of the isthmus forming the heart of the Izembek Refuge—to King Cove Corporation for a road.

“Spending millions to build a road through federal wilderness would be a bad deal for taxpayers and a bad deal for the environment,” said Kristen Miller, conservation director at Alaska Wilderness League. “Yet the Bernhardt Interior Department continues to try and sidestep bedrock environmental laws like the Wilderness Act and the federal court system to satisfy political desires and commercial interests. The previous administration looked long and hard at the road proposal and rejected it for sound reasons, and the District Court and the Ninth Circuit agreed. This new plan, and really the entire process, reeks of self-serving backroom dealing and public lands theft at its most egregious.”

Alli Harvey, the Alaska campaign representative from the Sierra club, said, “The Trump administration’s plan to trade away wilderness in Izembek to be industrialized has been repeatedly studied and consistently rejected for good reason. Now, despite confirmation from the District Court that it’s illegal, Secretary Bernhardt is shamelessly trying to work behind closed doors to push the same deal forward again. We will continue to fight back against this costly and irresponsible deal.”

Trustees also [notified Secretary Bernhardt](#) today about its clients' intent to sue for Endangered Species Act violations related to the land swap.

“Bernhardt’s shady backroom deal is just as illegal as the land swap a judge already rejected,” said Randi Spivak, public lands director at the Center for Biological Diversity. “Izembek is a vital wildlife refuge that feeds millions of birds from three continents. You can’t swap land here for anywhere else because there’s nothing else like it. We’ll keep fighting to ensure Izembek remains protected.”

Fran Mauer, representative of the Alaska chapter of Wilderness Watch, said, “The Trump administration is once again trading away public lands for a road through the Izembek Refuge Wilderness that would not only destroy the ecological integrity of Izembek, but would also establish a ruinous precedent for the entire National Wilderness Preservation System. This must not stand!”

Nicole Whittington-Evans, Alaska program director of Defenders of Wildlife, said, “Americans deserve better than to have government officials secretly trade away our sensitive refuge lands like Izembek. This backroom deal is illegal and would destroy vital habitat for brown bears, caribou and key migratory bird species all for an unnecessary road. We will again fight the administration’s lawlessness and protect the wilderness character of Izembek’s incomparable wetlands as Congress intended.”

Sarah Greenberger, vice president of conservation policy at the Audubon Society, said, “Common ground exists between critical wildlife protections for some of the world’s largest flocks of migrating birds and community needs of rural Alaskans. But it doesn’t require the sacrifice of an internationally important wetland refuge with tremendous costs to American taxpayers.”

David Krause, assistant state director for The Wilderness Society, said, “The Trump administration is up to its usual shady shenanigans to give away America’s public lands within a federally protected wilderness area. Like the previous backroom deal that was struck down by a federal court less than five months ago, we will fight this every step of the way.”

Parties to the lawsuit include 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.