



# Public Employees for Environmental Responsibility

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March 12, 2019

Ms. Mary L. Kendall  
Deputy Inspector General  
U.S. Department of Interior  
1849 C Street, NW  
Mail Stop 4428  
Washington, DC 20240

**RE: Request for Investigation into Improper Withholding of Information Needs  
Assessments on Oil and Gas Drilling in the Arctic National Wildlife Refuge Coastal Plain**

Dear Deputy Inspector General Kendall:

I am writing on behalf of Public Employees for Environmental Responsibility (PEER) to request that your office to investigate who ordered that nearly a score of expert assessments of critical unknowns about impacts from oil and gas drilling in the Arctic Refuge Coastal Plain be withheld from public view and excluded from the official environmental review.

In a summary memo dated February 26, 2018, U.S. Fish and Wildlife Service (FWS) Alaska Regional Director Gregory Siekaniec outlined the “Research Gaps identified by [his] and other agency technical experts to inform Arctic Refuge Coastal Plain Oil and Gas Program Environmental Impact Statement” (EIS). The 18 memos “identify the types of information” needed for “planning, developing, and managing an oil and gas program in the 1002 area” of the refuge:

“Primary topics for the Resource Assessments include: soils, permafrost, wetlands, & vegetation; coastal resources; climate & snow; air quality; water resources; acoustic environment; contaminants; oil spills; caribou; other terrestrial mammals; fisheries; birds; subsistence; public health; visitor use; cultural resources; and paleontological resources.”

We are attaching these materials to this request.

Despite the participation by several agency scientists, including those from the U.S. Bureau of Land Management, these assessments of information gaps were not included in the Draft Environmental Impact Statement (DEIS) prepared by BLM. We believe that the exclusion of the memos’ content from the scope of the DEIS may be a violation of the National Environmental Policy Act which requires an accurate assessment of environmental conditions and potential

impacts. Thus, the deliberate exclusion of these known unknowns may make the DEIS legally vulnerable. That result would entail a tremendous waste of time and taxpayer dollars devoted to this process.

In addition, the memos were not released in response to on-target Freedom of Information Act requests submitted by conservation organizations. Nor did FWS itemize these memos for purposes of claiming a FOIA exemption. Instead, these memos were treated as if they did not exist. This constitutes a clear violation of FOIA.

If you verify this violation, we would also ask your office to refer that matter to the U.S. Office of Special Counsel which has jurisdiction over “arbitrary or capricious withholding of information prohibited under section 552” (5 U.S.C. § 1216) to seek appropriate disciplinary action against the responsible individual(s).

It should be noted that the identified information needs were both extensive and of major significance. These data gaps cover an array of basic topics, including:

- There is no current baseline data for any of the natural resources that may be impacted;
- There has not been a vegetation survey in 25 years; and
- There is no oil spill recovery capacity or plan to contain other pollutants.

On many subjects, FWS recommended additional studies. On other topics, such as contaminants from the drilling process, FWS admitted that it lacks the staffing and expertise to monitor this serious impact. PEER believes that the failure to address these glaring information gaps is irresponsible resource management.

The large number of persons participating in these assessments would make them difficult to overlook. We believe that they were deliberately withheld both from the DEIS process and from FOIA requests to which these memos would have been directly responsive.

By this letter we are asking your office to undertake an inquiry to determine the identity of responsible officials and the circumstances surrounding these actions.

If you have any questions or desire any further documentation, please do not hesitate to contact me. Thank you for your consideration of this request.

Sincerely,

Tim Whitehouse  
Executive Director

Attachments