



# The Interior Department's Transparency Failure

Interior is covering up how it unlawfully undermines and  
cancels congressionally mandated lease sales

by **Kevin Schmidt**

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**“BOEM conducts its environmental analyses in a transparent and coordinated manner.”**

– Former BOEM Director Amanda Lefton, [May 28, 2021](#)

**“The Department is committed to creating a more transparent, inclusive and just approach to leasing and permitting that serves the public interest.”**

– Principal Deputy Assistant Secretary for Land and Minerals Management Laura Daniel-Davis, [July 20, 2023](#)

**“I do think as public servants we have a duty to make sure that the American public knows how we’re spending their taxpayer dollars, and what we’re doing, and how we’re serving them, and how we’re managing our nation’s resources.”**

– Communications Director Melissa Schwartz, [July 2021](#) (at 47:23)

The Biden Administration's Department of the Interior claims a commitment to transparency, but Americans for Prosperity Foundation's (AFP Foundation) review of the Department's actions towards the Cook Inlet Lease Sale 258 in Alaska reveals a disturbing pattern of undermining transparency and accountability:

- I. Political appointees at Interior slow-walked the release of the Cook Inlet Decision Memorandum, despite the fact that the decision memos for offshore wind lease sales are routinely posted on the Interior website. In a [December 2022](#) hearing, Senator Bill Cassidy (R-LA) asked Deputy Secretary of Interior Tommy Beaudreau for a copy of the Decision Memorandum for Cook Inlet Lease Sale 258. According to emails obtained by AFP Foundation through litigation of a Freedom of Information Act ("FOIA") request, former Bureau of Ocean Energy Management ("BOEM") Director Amanda Lefton [expressed regret](#) that the Decision Memorandum for Cook Inlet was accidentally posted on the BOEM website before being quickly removed. Lefton later replied in an internal email thread and suggested telling a Senator to submit a FOIA request: "While there is a lot that is in our decision memo, there isn't anything that is abundantly harmful. That said, usually we just tell people to FOIA[.]" Interior's Director of Communications Melissa Schwartz replied that it was [unfortunate](#) that they would not be able to deny providing the document in response to a congressional request. Without any explanation for the delay, Interior eventually [provided the Decision Memorandum](#) over three months later.
- II. While "Decision Memorandums" for offshore oil and gas lease sales can only be obtained by congressional request and sometimes with FOIA requests, the same memorandums for offshore wind lease sales are posted on the BOEM website (see [here](#) and [here](#).) Former BOEM Director admitted this fact in a [2022 email](#), but without any explanation for the discrepancy: "For what it is worth [we] do post our decision memos for [offshore wind] publicly."
- III. Evidence suggests that the Interior Office of the Secretary unlawfully stonewalled AFP Foundation's FOIA request about the cancellation of the Cook Inlet lease sale. Emails between the Interior Office of the Secretary FOIA Office and an employee within the Office of the Secretary show that responsive documents [were collected](#) as early as November 2022 in response to AFP Foundation's May 2022 FOIA request, but no documents were provided until February 2024, after we filed a lawsuit in October 2023. Contrarily, BOEM [provided responsive documents](#) within a few months of AFP Foundation's records request and without litigation.
- IV. Interior cited a "lack of industry interest" to justify the cancellation of the Cook Inlet lease sale in 2022, but 1,500 pages of emails and documents from BOEM contain no mention of this excuse until it was [publicly announced](#). A month before the announcement, an [internal email](#) of talking points on the lease sale included five bullet points, but industry interest was not included.



## Introduction

Energy prices have increased significantly under the Bidenomics agenda, and the Biden administration has throttled American energy production while [draining our Strategic Petroleum Reserve](#) and [begging OPEC](#) to delay production cuts. The Biden Administration's failure to faithfully implement statutory measures meant to develop energy-producing projects is a continuation of this Administration's policies driving up energy costs for Americans.

No state has felt the pain of the Biden Administration's war on domestic energy and mineral production more acutely than Alaska.

The Biden Department of the Interior cancelled statutorily mandated lease sales in the Cook Inlet and the Arctic National Wildlife Refuge, along with restricting any future development of the National Petroleum Reserve in Alaska. Interior also denied access to critical minerals by cancelling a planned access road required under long-standing federal law. Each of these projects were supported by federal law and lawmakers in Alaska. The Biden Administration ignored them, and is now trying to conceal the records to avoid accountability.

**There is a better way.** Allow more production at home by conducting lease sales, be transparent about decision-making, remove needless regulatory barriers, and focus on an all-of-the-above strategy of energy abundance.

## I. "I don't think we can deny them the document unfortunately."

Political appointees at Interior slow-walked the release of the Cook Inlet Decision Memorandum, despite the fact that the same memos are posted on the Interior website for offshore wind lease sales and the memo was accidentally posted online previously.

In a [December 2022](#) hearing before the Senate Committee on Energy and Natural Resources, Senator Bill Cassidy (R-LA) questioned Deputy Secretary Tommy Beaudreau about details from the Cook Inlet Decision Memorandum which was posted online briefly before being pulled down. Sen. Cassidy asked Deputy Secretary Beaudreau for a copy of the Decision Memorandum for Cook Inlet Lease Sale 258.<sup>1</sup>

**Sen. Cassidy:** Can you share a copy with the Committee of the decision memo where the Department describes the rationale for the royalty increase?...I'm told this is FOIAable.

**Deputy Secretary Tommy Beaudreau:** I'm happy to follow up on that request.

According to emails obtained by AFP Foundation, Former Bureau of Ocean Energy Management ("BOEM") Director Amanda Lefton [expressed regret](#) that the Decision Memorandum for Cook Inlet was accidentally posted online earlier before being quickly removed.

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<sup>1</sup> At 1:15:15.

**From:** Lefton, Amanda B <[Amanda.Lefton@boem.gov](mailto:Amanda.Lefton@boem.gov)>  
**Sent:** Tuesday, December 13, 2022 5:16 PM  
**To:** Wallace, Andrew G <[andrew\\_wallace@ios.doi.gov](mailto:andrew_wallace@ios.doi.gov)>; Daniel-Davis, Laura E <[laura\\_daniel-davis@ios.doi.gov](mailto:laura_daniel-davis@ios.doi.gov)>; Schwartz, Melissa A <[melissa\\_schwartz@ios.doi.gov](mailto:melissa_schwartz@ios.doi.gov)>  
**Cc:** Gray, Morgan <[Leslie\\_Morgan\\_Gray@ios.doi.gov](mailto:Leslie_Morgan_Gray@ios.doi.gov)>  
**Subject:** Re: [EXTERNAL] Sen Cassidy Request - ENR Hearing Follow-up

Adding Melissa here as well. Regretfully, this was posted to our website when the other FNOS

documents were posted by accident. While it was quickly removed, it seems some have gotten a hold of it or part of it.

Lefton later replied to her colleagues and expressed disdain for responding quickly, “While there is a lot that is in our decision memo, there isn’t anything that is abundantly harmful. That said, usually we just tell people to FOIA[.]”

**From:** Lefton, Amanda B <[Amanda.Lefton@boem.gov](mailto:Amanda.Lefton@boem.gov)>  
**Sent:** Tuesday, December 13, 2022 5:29 PM  
**To:** Gray, Morgan <[Leslie\\_Morgan\\_Gray@ios.doi.gov](mailto:Leslie_Morgan_Gray@ios.doi.gov)>; Wallace, Andrew G

<[andrew\\_wallace@ios.doi.gov](mailto:andrew_wallace@ios.doi.gov)>; Daniel-Davis, Laura E <[laura\\_daniel-davis@ios.doi.gov](mailto:laura_daniel-davis@ios.doi.gov)>; Schwartz, Melissa A <[melissa\\_schwartz@ios.doi.gov](mailto:melissa_schwartz@ios.doi.gov)>

**Subject:** RE: [EXTERNAL] Sen Cassidy Request - ENR Hearing Follow-up

Great on OCS carbon sequestration rule

Lets connect on the memo. Technically, anyone could FOIA for a decision memo. Can talk through pros and cons, I believe LDD signed this so we should have her weigh in. For what it is worth do post our decision memos for OSW publicly. While there is a lot that is in our decision memo, there isn’t anything that is abundantly harmful. That said, usually we just tell people to FOIA

Interior’s Director of Communications Melissa Schwartz replied that it was unfortunate that they would not be able to deny providing the document to lawmakers in response to a congressional request. How unfortunate that Interior should have to inform the people’s elected representatives why they decided not to execute lease sales Congress mandated.

**From:** Schwartz, Melissa A <[melissa\\_schwartz@ios.doi.gov](mailto:melissa_schwartz@ios.doi.gov)>  
**Sent:** Tuesday, December 13, 2022 5:49 PM  
**To:** Lefton, Amanda B <[Amanda.Lefton@boem.gov](mailto:Amanda.Lefton@boem.gov)>; Gray, Morgan <[Leslie\\_Morgan\\_Gray@ios.doi.gov](mailto:Leslie_Morgan_Gray@ios.doi.gov)>; Wallace, Andrew G <[andrew\\_wallace@ios.doi.gov](mailto:andrew_wallace@ios.doi.gov)>; Daniel-Davis, Laura E <[laura\\_daniel-davis@ios.doi.gov](mailto:laura_daniel-davis@ios.doi.gov)>  
**Subject:** RE: [EXTERNAL] Sen Cassidy Request - ENR Hearing Follow-up

I don't think we can deny them the document unfortunately (we would tell people to FOIA but congressional requests are different)

Without any explanation for the delay, Senator Manchin [received](#) the Decision Memorandum over three months later.

## II. Avoiding Accountability with Selective Transparency

“For what it is worth [we] do post our decision memos for [offshore wind] publicly. While there is a lot that is in our decision memo, there isn't anything that is abundantly harmful. That said, usually we just tell people to FOIA”

– Former BOEM Director Amanda Lefton, [December 13, 2022](#)

While “Decision Memorandums” for offshore oil and gas lease sales can only be obtained by a congressional request and potentially a FOIA request, the same decision memos for offshore wind lease sales are routinely posted on the BOEM website (see [here](#) and [here](#).)

AFP Foundation's FOIA investigation makes clear that former Director Lefton's suggestion to direct people to FOIA for the offshore oil and gas lease sales decision memos is not an effective solution.

## Interior Stonewalls Requests for Cook Inlet Decision Memos

### 2022

MAY 11, 2022

BOEM announces cancellation of Cook Inlet lease sale due to lack of “industry interest.”

MAY 13, 2022

[AFP Foundation sends FOIA request to BOEM.](#)

[AFP Foundation sends FOIA request to Office of the Secretary.](#)

AUGUST 16, 2022

Inflation Reduction Act, which requires BOEM to hold a lease sale in Cook Inlet, is signed into law.

SEPTEMBER 22, 2022

Decision memo [content withheld in full by BOEM.](#)

Over four months of waiting and no substantive content provided.

DECEMBER 13, 2022

Senator Bill Cassidy (R-LA) asks Deputy Secretary Tommy Beaudreau for a copy of the Cook Inlet Decision Memorandum.

### 2023

MARCH 3, 2023

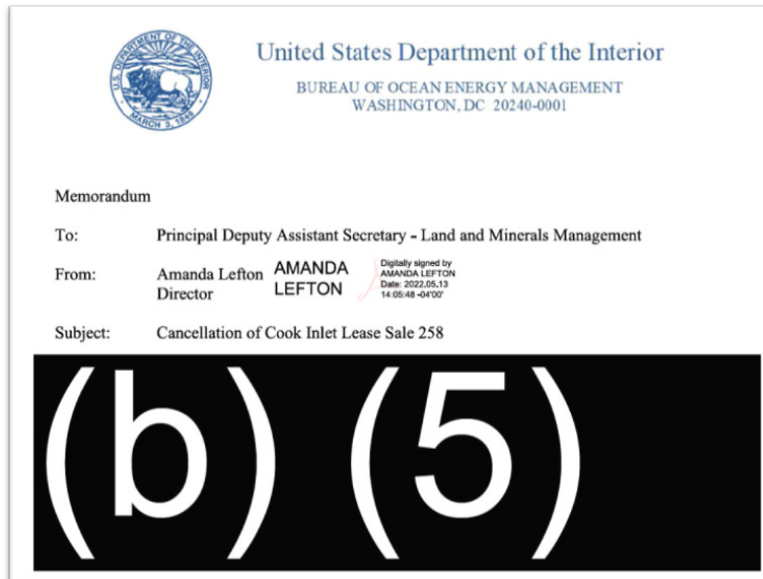
Interior finally provides Cook Inlet Decision Memorandum to Senators Manchin and Murkowski.

### 2024

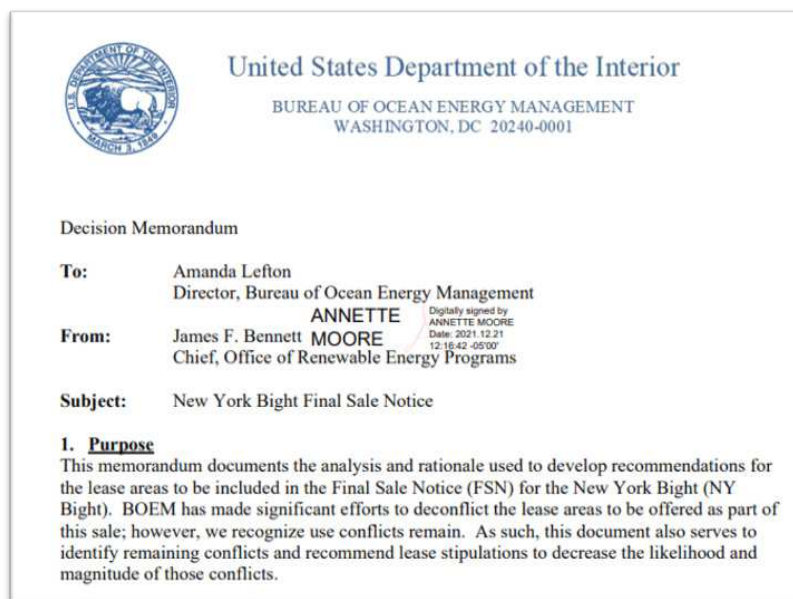
MAY 22, 2024

Decision memo [content provided in full by the Office of the Secretary.](#)

Over two years of waiting and litigation required to obtain the memo, which was already made public by [Sen. Murkowski \(R-AK\) in 2023.](#)



[Redacted memo BOEM provided in response to a FOIA request](#)



[Offshore wind memo posted on the BOEM website](#)

### III. Intentionally Stonewalling FOIA

At Interior, each office (e.g., BOEM, Office of the Secretary, or BLM) generally handles its own FOIA requests. AFP Foundation's vastly different experience with FOIA at BOEM compared to the Office of the Secretary raises serious questions about political interference in the FOIA process.

Emails between the Interior Office of the Secretary FOIA Office and an employee within the Office of the Secretary show that responsive documents [were collected](#) as early as November 2022 in response to AFP Foundation's May 2022 FOIA request regarding Cook Inlet, but no records were provided until February 2024, months after AFP Foundation filed a lawsuit in October 2023 to compel production.



## Interior Office of the Secretary FOIA Office Collecting Documents for AFP Foundation Request

**From:** Jolivette, Tracy L <tracy\_jolivette@ios.doi.gov> **On Behalf Of** OS, OS FOIA  
**Sent:** Thursday, November 17, 2022 4:09 PM  
**To:** Thiele, Raina D <raina\_thiele@ios.doi.gov>  
**Cc:** Monson, Lesia <Lesia\_Monson@ios.doi.gov>  
**Subject:** Open FOIA Requests

Good Afternoon, Raina,

I am touching bases to see how you are doing on your open FOIA request. If there is anything Lesia or I can do to assist you, please let u know.

Request Number	Brief summary	Date	Notes
<small>outlook.office365.com/mail/osfoia@ios.doi.gov/inbox/id/AAQKAGVmNzFhMmY4LTZjAINDc3Ny1iMjMwLWQwZTAzOWE2YTM0YgAQAP1ajgHXXHpHZd7QJnoKDY%3D</small>			
<hr/>			
2, 2:48 PM		Mail - OS, OS FOIA - Outlook	
		<b>Tasked</b>	
2022-003693	Lease on Gulf of Mexico and Alaska Cook <input type="checkbox"/> <a href="#">DOI-OS-2022-003693</a>	5/16/22	

**Thiele, Raina D <raina\_thiele@ios.doi.gov>**  
 Mon 11/28/2022 2:27 PM  
 To: OS, OS FOIA <osfoia@ios.doi.gov>  
 Cc: Monson, Lesia <Lesia\_Monson@ios.doi.gov>  
 Hi Tracy,  
 Please see responsive documents attached and below.

BOEM [provided responsive documents](#) within a few months of AFP Foundation’s request and without litigation, suggesting that the Office of the Secretary unlawfully stonewalled our FOIA request.

### IV. Abusing Discretion and Ignoring Congressional Intent

#### The Cook Inlet Cancellation

When former White House national climate advisor Gina McCarthy accidentally [emailed a reporter](#) that a key oil and gas lease sale in Alaska’s Cook Inlet was “cancelled,” officials at the Department of the Interior scrambled for an explanation amid surging gas prices and rampant inflation.

They hastily cited “lack of industry interest” to justify the cancellation, but [thousands of pages of emails and documents](#) from Interior’s Office of the Secretary and BOEM contain no mention of this excuse until it was publicly announced.

In an [April 12, 2022 email](#), BOEM staff discussed five bullets about why the lease sale has not yet occurred. “Lack of industry interest” is not cited. Not even a month later, these bullets are not even mentioned in the Department’s statement on why the lease sale was cancelled.

**From:** Knodel, Marissa S <Marissa.Knodel@boem.gov>

**Sent:** Tuesday, April 12, 2022 9:28 AM

**To:** Storzer, Mark A <Mark.Storzer@boem.gov>; Kendall, James J. <James.Kendall@boem.gov>; Cruickshank, Walter <Walter.Cruickshank@boem.gov>

**Subject:** LS 258 talking points

**Will there be a Lease Sale 258 in the Cook Inlet before June 30?**

- There have been court decisions that impact this sale and we are evaluating their impact.
- A judicial decision in Louisiana blocked all agencies from using social cost of carbon in decisions, and Lease Sale 258 relied on that work.
- Another recent decision has stayed that ruling, and we will follow legal guidance on how to proceed with our analysis for Lease Sale 258 to ensure decision-making is legally sound and uses the best available science, Indigenous traditional ecological knowledge, and public input.
- The Department will continue to implement the current National OCS Oil and Gas Leasing Program through June 30, 2022, and will exercise the authority and discretion provided under law to conduct leasing in a manner that fulfills the Department’s legal responsibilities under the Outer Continental Shelf Lands Act.
- The Secretary has discretion to hold or not hold sales scheduled in a five-year program, and no decision has been made regarding Lease Sale 258, or the other lease sales remaining in the current program.

**From:** Lefton, Amanda B <[Amanda.Lefton@boem.gov](mailto:Amanda.Lefton@boem.gov)>

**Sent:** Wednesday, May 11, 2022 7:38 PM

**To:** Storzer, Mark A <[Mark.Storzer@boem.gov](mailto:Mark.Storzer@boem.gov)>; Cruickshank, Walter <[Walter.Cruickshank@boem.gov](mailto:Walter.Cruickshank@boem.gov)>; Celata, Michael <[Michael.Celata@boem.gov](mailto:Michael.Celata@boem.gov)>; Kendall, James J. <[James.Kendall@boem.gov](mailto:James.Kendall@boem.gov)>

**Subject:** Fwd: Statement

Team. Please see the below statement, I’ve discussed this with many of you. Thank you

The Department shared the following update today. Due to lack of industry interest in leasing in the area, the Department will not move forward with the proposed Cook Inlet OCS oil and gas lease sale 258. The Department also will not move forward with lease sales 259 and 261 in the Gulf of Mexico region, as a result of delays due to factors including conflicting court rulings that impacted work on these proposed lease sales.

Even documents dated the same day as the administration’s “lack of industry interest” statement fail to mention anything about the purported lack of interest. BOEM’s “[Director’s Weekly Meeting](#)” summary document emailed on May 11, 2022, explains that “[i]t is highly unlikely that BOEM will be able to complete the required steps to hold this sale prior to expiration of the 2017-2022 National OCS program on June 30, 2022.”

<b>Subject:</b>	Director’s Weekly Report -5/16/22
<b>Date:</b>	Wednesday, May 11, 2022 11:36:02 AM
<b>Attachments:</b>	<a href="#">image001.png</a> <a href="#">Director’s Weekly Report 5 16 2022.docx</a>

Cook Inlet 258 Proposed Notice of Sale	OEM0003146	DIR	12/14/21	It is highly unlikely that BOEM will be able to complete the required steps to hold this sale prior to expiration of the 2017-2022 National OCS Program on June 30, 2022.
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## V. Conclusion

The Interior Department’s actions on the Cook Inlet lease sale show how a federal agency can abuse discretionary authority, bypass statutory requirements, and avoid transparency with impunity. Along with its unlawful and abusive actions in ANWR and the NPR-A, Interior decided on the outcome it wanted—the cancellation or prevention of oil and gas development in the Cook Inlet—and then fabricated a legal and policy justification for it after the fact. And then, despite numerous statements on the agency’s dedication to transparency, Interior stonewalled document requests for months, and even years. Policymakers need to get serious about reining in broad-based agency authority that allows the executive branch to effectively rewrite law and undermine congressional intent, and then refocus on delivering solutions that promote a bottom-up approach to energy abundance.

## Documents Obtained by AFP Foundation

### Department of the Interior Office of the Secretary

- [FOIA Request](#)
- [FOIA Complaint](#)
- February 2024
  - [Part 1](#)
  - [Part 2](#)
  - [Part 3](#)
- [March 2024](#)
- [April 2024](#)
- [May 2024](#)

### Bureau of Ocean Energy Management

- [FOIA Request](#)
- [Production 1](#)
- [Production 2](#)
- [Production 3](#)
- [Production 4](#)
- [Production 5](#)
- [Production 6](#)