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Appeals Court grants emergency order stopping ConocoPhillips from road building, gravel mining, and blasting on Willow project

ANCHORAGE (AK)— Sovereign Iñupiat for a Living Arctic and five allied groups applaud a U.S. Ninth Circuit Court of Appeals ruling yesterday that stops ConocoPhillips from doing winter road construction, gravel mining, and blasting on its Willow project in the western Arctic, on federal lands in the National Petroleum Reserve-Alaska, while the court decides an appeal in the case.

“We are grateful that the court has put a stop to destructive on-the-ground construction and blasting work while our lawsuit makes its way through court,” said **Siqiñiq Maupin, executive director of Sovereign Iñupiat for a Living Arctic**. “Arctic Slope communities have suffered health issues and the loss of traditional practices and food sources because of oil extraction. We’ve faced the paternalism of agencies that put the profit interests of industry before our health. Decision makers and decision-making processes that impact the Arctic Slope must not just claim to include or consider us, but in fact prioritize our health and well-being.”

Trustees for Alaska requested a Ninth Circuit emergency order on Feb. 5, 2021 to halt construction activities, following a denial of its requested injunction in District Court. These motions are part of Sovereign Iñupiat for a Living Arctic’s current lawsuit filed in [November](#). The underlying lawsuit calls out the U.S. Bureau of Land Management for approving permits without taking a hard look at impacts from Willow as required by the National Environmental Policy Act, among other failings. It also challenges the U.S. Fish and Wildlife Service’s failure to ensure impacts to polar bears will be mitigated, and the Army Corps of Engineers’ approvals under the Clean Water Act.

“This is absolutely amazing news and we’re thrilled that the Ninth Circuit allowed our legal case to proceed without damage and harm being done on the ground,” said **Bridget Psarianos, staff attorney with Trustees for Alaska**. “It would be unconscionable to allow construction to proceed when the agencies’ approval of Willow is founded on an illegal and deficient environmental analysis that fails to lay out and address impacts to wetlands, water, land, animals and people. We will continue to fight this

mega-project in court and are thrilled that ConocoPhillips cannot cause irreversible harm to the region in the meantime.”

ConocoPhillips applied for its permits and rights-of-way to drill in December, and had planned to start construction work on Feb. 2. BLM gave the green light for the project on Jan. 20, the same day as President Biden’s Inauguration. BLM says it signed off on Willow before seeing Secretarial Order 3395 from the new administration, which prohibited the agency from authorizing on-the-ground activities.

The District Court denied a [prior motion](#) requesting an injunction and temporary restraining order and allowed Willow work to proceed, but the judge later ordered a one-week delay to Conoco’s planned blasting and mining work in response to our appeal to the Ninth Circuit. That decision gave the Ninth Circuit time to decide this emergency motion before irreparable harm would occur.

[Yesterday’s Ninth Circuit decision](#) halts construction activities until it rules on SILA’s appeal of the District Court’s denial of the motion for a preliminary injunction. That will occur after briefing is completed in late April. The Ninth Circuit’s ruling yesterday agreed with the District Court’s findings that that road construction and gravel mining would do immediate, on-the-ground irreparable harm to land and the community of Nuiqsut. The court further found that SILA raised serious questions as to whether the BLM violated NEPA, and that the public interest and balance of equities “tips sharply” in favor of SILA.

Law firm Trustees for Alaska represents six clients in the lawsuit: Sovereign Iñupiat for a Living Arctic, Alaska Wilderness League, Defenders of Wildlife, Northern Alaska Environmental Center, Sierra Club, and The Wilderness Society.

Client statements:

“We’re grateful the court has stopped on-the-ground harm from the massive Willow project, which has been a bad idea, poorly executed, from its inception,” says **Scott Fogarty, executive director at the Northern Alaska Environmental Center**. “Any infrastructure of this scale must be held to the highest standard of review, but this process has strayed far from that standard, instead relying on incomplete data and the systematic silencing of frontline communities. We remain committed to supporting robust public process and thorough scientific review, as required by law.”

“ConocoPhillips’ Willow project was fast-tracked by the previous administration and absolutely failed to adequately address risks to our climate future, the health and safety of people, or the land, water and wildlife that they depend on,” said **Kristen Miller, conservation director at Alaska Wilderness League**. “Yesterday’s decision provides some measure of justice to local communities whose concerns over the impacts of increasing oil and gas extraction in the region were consistently ignored during the past four years. It was necessary that all activities on this project be halted immediately to allow for a thorough review by the court and the current administration.”

“We are grateful for the court decision granting a rightful pause on the Willow project,” said **Nicole Whittington-Evans, Alaska program director at Defenders of Wildlife**. “The massive Willow project threatens the home of imperiled Southern Beaufort Sea polar bears, people, and other wildlife that call it

home. The Arctic is warming faster than anywhere else in the world. Moving forward with this fossil fuel project would be at the great expense of wildlife and communities.”

Contacts:

Siqiniq Maupin, executive director, Sovereign Inupiat for a Living Arctic, siqiniq@silainuat.org, 907-884-1859

Erica Watson, communications manager, Northern Alaska Environmental Center, (907) 452-5093, erica@northern.org

Corey Himrod, senior communications manager, Alaska Wilderness League, (202) 266-0426, corey@alaskawild.org

Gwen Dobbs, director of media relations, Defenders of Wildlife, gdobbs@defenders.org, 202-772-0269

Dawnell Smith, communications director, Trustees for Alaska, (907) 433-2013, dsmith@trustees.org