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Biden administration undermines climate promises by defending Trump era approval of massive Willow project in court

ANCHORAGE (AK)—Today the Biden administration confirmed by submitting legal briefs that it will undermine its own climate goals and allow harm to local Indigenous communities by continuing to defend the flawed Trump era approval of the massive Willow oil project in court.

"The Biden administration had a chance to stand with Indigenous communities in how it responded to our lawsuit, and to stop a project that will further harm our people and our climate, but they chose not to take that opportunity," **says Sigiñiq Maupin, director of Sovereign Iñupiat for a Living Arctic.** "This is especially disappointing coming from a president who promised to do better, but we're not backing down and we will see them in court. We hope the administration changes course to stand with us and our health and right to be heard, because our lives and our children's lives depend on it."

Law firm Trustees for Alaska filed the [lawsuit](#) in November 2020 charging the Interior Department, U.S. Bureau of Land Management, and U.S. Fish and Wildlife Service with unlawfully authorizing ConocoPhillips' massive Willow Master Development Plan despite the project's known harms to people and wildlife. In February, the Ninth Circuit Court of Appeals [ordered a halt](#) to construction of the project after finding it likely that BLM had underestimated the impacts from Willow's greenhouse gas emissions, and determining that Willow was likely to irreparably harm the community of Nuiqsut.

[Legal briefs](#) submitted by the administration today claim that the federal agencies did an adequate analysis under the law, accuse plaintiffs of "cherry picking" at problems with the agencies' findings and analyses, and continue to claim that the lawsuit – filed within three weeks of Interior's decision to approve Willow – was filed too late, even though a panel of Ninth Circuit judges called that argument into question earlier this year. The administration also argues that a bare-bones Trump era analysis of greenhouse gas emissions should be upheld, despite a recent Ninth Circuit Court of Appeals decision finding the opposite.

"This administration's defense of Willow goes completely against its stated promises to take immediate and effective climate action, protect biodiversity, and take environmental justice concerns seriously," **said Bridget Psarianos, attorney with Trustees for Alaska.** "This most recent action further erodes public trust since the Ninth Circuit has already paused the project due to Interior's faulty and illegal environmental review. Yet, the Biden administration is continuing to defend the Trump administration's

rubber stamp of the Willow project in the face of relentless pressure from ConocoPhillips and Alaska's congressional delegation."

The lawsuit specifically calls out BLM for approving permits without taking a hard look at impacts as required by the National Environmental Policy Act. The suit also challenges Fish and Wildlife Service for its failure to ensure impacts to polar bears will be mitigated, and the Army Corps of Engineers for improperly issuing Clean Water Act approvals for fill of irreplaceable wetlands.

ConocoPhillips applied for its permits to drill and rights-of-way in December 2020. The Trump administration gave the final green light and authorization for Conoco to begin construction on January 20, hours before President Biden signed an executive order directing all agencies to review and act on any decisions at odds with the administration's climate goals, specifically including the Willow project.

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:

"It is disappointing that the Biden administration is defending this potentially disastrous oil and gas development. We pursued litigation because the Bureau of Land Management failed to fully disclose the negative impacts of this enormous project and to meaningfully offset those impacts through protective actions," **said Karlin Itchoak, Alaska director for The Wilderness Society.** "We hope the current administration will join us in protecting the Western Arctic's fragile lands and waters from poor decisions made under President Trump. This project would worsen the climate crisis and threatens globally significant habitats that are culturally important to local Indigenous communities."

"The Biden administration's response to the proposed Willow project gives us real reason to question their commitment to science-informed management and climate action," says **Scott Fogarty, executive director of the Northern Alaska Environmental Center.** "It's profoundly disappointing that they've chosen to stand by the previous administration's complete disregard for the health, wellbeing, and participation of the people who would be most impacted by this project, and whose voices were actively silenced throughout the process. There is no question that fossil fuel extraction of this scale directly contradicts the administration's climate goals, and drags Arctic Alaska backwards along with it. We remain committed to taking every legal step to put a stop to this destructive plan."

"The Willow project is the poster child for the type of massive fossil fuel development that must be avoided today if we're to avoid the worst climate impacts down the road," **said Kristen Miller, acting executive director of Alaska Wilderness League.** "We stand behind the work this administration is doing to address climate change and prioritize environmental justice, promote clean energy and undo the damage of the past four years, so the decision to defend a Trump oil and gas project that ignored the concerns of local Indigenous communities and absolutely failed to adequately address risks to our climate future is incredibly disappointing and a decision we will continue to fight."

"The Arctic is warming faster than anywhere else in the world and the Biden administration should not allow industry to drill in this sensitive area," **said Nicole Whittington-Evans, Alaska program director, Defenders of Wildlife.** "The Willow project threatens denning polar bears, people that call the Arctic home and is at odds with the administration's commitment to address climate change."

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