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Ninth Circuit Court lets ConocoPhillips continue construction on Willow project despite ongoing litigation

ANCHORAGE, Alaska —A U.S. Ninth Circuit Court of Appeals ruling yesterday lets ConocoPhillips continue blasting for gravel mines and building roads and infrastructure on the Willow oil and gas project despite ongoing litigation. Sovereign Iñupiat for a Living Arctic and five other groups requested a pause in construction during their appeal of a lower court decision greenlighting the project.

"Today's court decision feels gut-wrenching after the long and seemingly successful fight against the Willow project over the past six years," **said Sigiñiq Maupin, executive director of Sovereign Inupiat for a Living Arctic.** "Today we can see the system is broken, ignoring the established significant human rights and climate issues that initially threw the entire project out. The project hasn't changed in a way that mitigates or reduces harm. We are witnessing entire species going extinct while climate scientists urge our government to make meaningful and swift action to transition from fossil fuels. We have not given up hope and will continue to fight to stop the largest oil and gas project on public lands under Biden. We must put as much pressure on our administration as we can against all new oil and gas projects on public lands and make real investments for our world and Iñupiaq Peoples future."

The motion for an injunction requesting a pause in construction was part of a [lawsuit](#) charging the Biden administration with illegally approving the project. The court denied the request without comment on the merits of the case. Briefing on the appeal begins in late December and continues in January, with oral argument in February.

"It's disappointing that the court has allowed ConocoPhillips to continue doing construction on the Willow project when there's ongoing litigation charging the Biden administration with unlawfully approving the project in the first place," **said Bridget Psarianos, senior staff attorney with Trustees for Alaska.** "This project was approved despite known harms to the community of Nuiqsut and despite the fact that it will produce huge amounts of greenhouse gases in a region already suffering existential climate impacts like the collapse of fish populations and community infrastructure. We will do everything we can to protect the western Arctic and stop Willow in the weeks and months to come."

Groups had hoped for a pause in construction to prevent further on-the-ground destruction while the court hears their appeal. ConocoPhillips plans an aggressive construction schedule starting on Dec. 21 that includes blasting gravel mines, building roads, erecting miles of pipelines, and constructing other significant and permanent industrial infrastructure, such as a bridge over a subsistence waterway and gravel pads for its operations facilities.

The Biden administration approved Willow in March 2023 despite a massive outpouring of public comments against it. Trustees filed a lawsuit in District Court charging the administration with breaking multiple laws when approving the project. That court issued a ruling on Nov. 9 allowing ConocoPhillips to move ahead on Willow. Trustees appealed that ruling on Nov. 14, followed by a request for an injunction pausing construction pending appeal in District Court. The lower court rejected that request on Dec. 1, and groups then took that motion to the Ninth Circuit Court.

Willow would be the largest new oil and gas project proposed on federal lands in the U.S. The people of Nuiqsut, the community located just a few miles away, would endure increased air pollution, repeated blasting for gravel mining, and continued rapid industrialization that would lead to significant physical and mental health harms.

It would also expand ConocoPhillips' extensive oil and gas extraction operation in the Arctic and become a hub for future industrialization for decades, spewing out toxic emissions and greenhouse gas pollution.

The March approval of the Willow project violates many of the same laws that the 2020 Trump-era approval did. The U.S. District Court [voided those permits](#) in 2021. The current lawsuit charges the U.S. Bureau of Land Management, U.S. Fish and Wildlife Service, U.S. Department of Interior with violating their respective duties under the National Environmental Policy Act, the Alaska National Interest Lands Conservation Act, the Naval Petroleum Reserves Production Act, and the Endangered Species Act.

The public interest non-profit law firm Trustees for Alaska filed the suit in Anchorage, Alaska, on behalf of Sovereign Iñupiat for a Living Arctic, Alaska Wilderness League, Northern Alaska Environmental Center, Environment America, Sierra Club and The Wilderness Society.

Client quotes:

“We are disappointed that the court has declined to put a halt to blasting and construction pending a ruling on the Willow project as a whole. By building roads and pipelines, ConocoPhillips is doing irreparable harm to lands that should be protected,” said **Karlin Itchoak, Alaska senior regional director for The Wilderness Society**. “This destructive activity should be stopped until legal challenges of the Willow project have worked their way through the courts.”

“Today’s ruling on an injunction is disappointing, but we look forward to the court considering the case on full merits,” said **Kristen Miller, executive director at Alaska Wilderness League**.

“The Willow project would greatly impact our climate and the community of Nuiqsut, and our nation’s public lands deserve better. We will continue advocating for a new direction for America’s Arctic.”

“While this court ruling means ConocoPhillips can do damage to the region through its aggressive construction schedule, it does not change the fact that our appeal will continue moving through court,” **said Elisabeth Balster Dabney, executive director of the Northern Alaska Environmental Center.** “This project poses immediate and enduring threats to the region and the health, safety, and food security of communities on the North Slope. We remain firmly committed to stopping Willow.”

"This is a disappointing decision, as any construction on Willow disrupts Arctic landscapes and ecosystems, but the fight goes on," **said Mike Scoot, Sierra Club Oil & Gas Campaign manager.** “Willow is a climate disaster waiting to happen, and we will keep working to support the communities of Arctic Alaska and ensure that oil stays in the ground.”

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