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June 13, 2025

Appeals court ruling lets permits for the destructive Willow oil and gas project stand despite known harm to local people and western Arctic

A split 9th U.S. Circuit Court of Appeals ruling today allows ConocoPhillips to continue moving forward with its destructive Willow oil and gas project despite significant harm to local communities. The court concluded that the Biden administration's 2023 approval of the project largely followed the law, although the agency's analysis failed to explain its reversal in position regarding the U.S. Bureau of Land Management's decision to allow full development of the oil and gas sprawl. The court remanded the decision to the agency to explain that reversal in position but did not set aside the permit. A dissenting opinion agreed with many of the plaintiffs' arguments and claims.

The people of Nuiqsut, the Arctic community located near the Willow project and other oil development, will endure continued rapid industrialization that will lead to significant physical and mental health harms as ConocoPhillips converts hunting and fishing grounds into an oil field. The project is the largest new oil and gas project underway on federal lands in the United States. It would dramatically expand ConocoPhillips' extensive oil and gas extraction operation in the Arctic, producing toxic pollution and greenhouse gases with devastating effects on the region.

"Decisions like this chip away at our hope that the government supports our rights to clean air, water, healthy lands, animals, and, above all, the right to life," **said Nauri Simmonds, executive director of Sovereign Iñupiat for a Living Arctic.** "Making decisions in the name of profits, with little regard to those who are most impacted, who are most vulnerable, that is a cornerstone of colonization. Proceeding as though due process was met, and the decisions were impartial, well that is inauthentic at best, and it feels insidious."

Law firm Trustees for Alaska filed the appeal with the Ninth Circuit Court in November 2023 and filed the original [lawsuit](#) on behalf of SILA and five allied groups in March 2023, just days after the Biden administration approved the controversial Willow project. Groups appealed the District Court's decision and have been waiting for the appeals court decision since they argued the case in February 2024.

"This decision is bad news for the planet and anyone who cares about the impacts of industrialization on communities now and in the future," **said Bridget Psarianos, senior staff attorney with Trustees for Alaska.** "The bureau is required under the law to protect the western Arctic's sensitive ecosystem and the subsistence users who rely on them. But the agency did not minimize the harm from this project on the Arctic's people, animals, habitat, and the planet in a real way, in violation of the law. There is too much at stake to gloss over the harm this project

will do. We will stand with our clients today and in the weeks, months, and years ahead to protect the Arctic from this devastating project and the additional industrialization it drives.”

ConocoPhillips executives have touted Willow as a hub for future industrialization that would push fossil fuel extraction for decades and set back climate mitigation for generations.

The public interest non-profit law firm Trustees for Alaska represents six clients in this litigation: Sovereign Inupiat for a Living Arctic, Alaska Wilderness League, Northern Alaska Environmental Center, Environment America, Sierra Club and The Wilderness Society.

Group statements:

“It is disappointing that the court has failed to recognize that the Willow project was approved with no acknowledgement of the harm it will cause and no meaningful plan to mitigate those impacts,” said **Meda DeWitt, Alaska senior manager for The Wilderness Society**. “Because of this ruling, irreparable harm will be caused while the fight goes on to protect the climate and the Western Arctic’s Indigenous communities that depend on caribou and other subsistence resources to feed families and sustain their way of life.”

“The court’s ruling on the Willow Project perpetuates a long history of prioritizing oil industry profits over the health and culture of Arctic communities,” said **Elisabeth Balster Dabney, executive director of the Northern Alaska Environmental Center**. “In the end, the ongoing lifeline given to this project only spotlights yet another missed opportunity for the government to take meaningful climate action at a crucial time for the country to be moving toward clean energy. Instead, the Biden administration authorized oil development that undermines the country’s ability to meet climate goals, and it continues to infringe on sovereign rights while doing it.”

“This ruling is not only dangerous for America’s Arctic and the people who live there, but also for our global climate,” said **Kristen Miller, executive director at Alaska Wilderness League**. “The Willow project will poison land, water, and communities while doubling down on our nation’s climate emergency—all so billion-dollar oil corporations can rake in more profit. ConocoPhillips and its wealthy investors have found a friend in Trump, getting the greenlight to cash in while local communities are left with toxic air, struggling wildlife, and an environment melting around them. We will continue to fight against efforts to sacrifice the Arctic to billionaires.”

“This is a sad day for the western Arctic and everyone who cares about the people and wildlife who live there,” said **Len Montgomery, Public Lands Campaign Director for Environment America**. “The caribou, polar bears and birds will be harmed by the roads, gravel pits and other development at the project site. Nearby communities will face the health threats that accompany major drilling operations and all of us will suffer because there is less nature on our planet.”

“Make no mistake, this ruling does not change the fact that the Willow project will be a big, black mark on our climate,” said **Mike Scott, National Oil and Gas Campaign Manager with**

the Sierra Club. “The only winners are ConocoPhillips’ shareholders. Arctic Alaska’s local communities, wildlife, and irreplaceable landscapes will be paying the price for this climate disaster for years to come.”

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