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Court extends freeze on Alaska drilling project

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A federal appeals court agreed over the weekend to temporarily block construction of a massive oil and gas project on Alaska's North Slope, extending an interim order from a lower court.

The 9th U.S. Circuit Court of Appeals ordered ConocoPhillips Alaska Inc. to halt planned winter construction work on the Willow project within the National Petroleum Reserve-Alaska, a day after the company was set to break ground. The court also agreed to expedite consideration of an appeal from Indigenous and environmental challengers of the project.

"We conclude that the balance of equities favors relief, that the balance of hardships tips sharply in appellants' favor, and that an injunction pending appeal is in the public interest," a panel of judges wrote in an order on Saturday.

The project developer is blocked from removing overburden or gravel, blasting, surface mining, and gravel road construction, as the court weighs an appeal from the **Center for Biological Diversity** and Sovereign Inupiat for a Living Arctic.

The order did allow ConocoPhillips to proceed with building seasonal ice roads and pads. The company has said in a court filing last week that ice road construction was underway.

The challengers had argued that the Bureau of Land Management's analysis of the Willow project's environmental impacts violated the National Environmental Policy Act. They also claim the federal agency violated the Endangered Species Act.

Judge Sharon Gleason for the U.S. District Court for the District of Alaska previously found that the challengers had missed a 60-day window to raise their NEPA claims.

"The court concluded that we at least raised serious questions regarding whether the statute of limitations applies in this case," Kristen Monsell, a senior attorney at CBD, wrote in an email.

The 9th Circuit also found that they had a likelihood of success on at least one of their underlying NEPA claims and had "demonstrated irreparable harm," she added.

This weekend's order comes after Gleason, an Obama appointee, denied the environmental and Indigenous groups' requests for a preliminary injunction earlier this month to halt construction as she considered the substance of the arguments in the case.

However, on Feb. 6, Gleason agreed to block most of the planned work under a temporary injunction until the 9th Circuit had decided on whether or not to uphold her order. The order issued this weekend keeps that freeze in place pending a decision on appeal ([*Energywire*](#), Feb. 8).

ConocoPhillips could not be immediately reached for comment on the order.