Judge blocks Alaska drilling project from breaking ground

Niina H. Farah, E&E News reporter

Published: Monday, February 8, 2021

Four small lakes are pictured with remnant ice on the northwestern side of Teshekpuk Lake. Across the lake to the southeast lies ConocoPhillips' Willow oil prospect in the National Petroleum Reserve-Alaska. Craig McCaa/Bureau of Land Management Alaska

A federal judge has agreed to temporarily block some construction on ConocoPhillips' massive Willow drilling project in the National Petroleum Reserve-Alaska, pausing her previous order allowing work to start.

Judge Sharon Gleason for the U.S. District Court for the District of Alaska said ConocoPhillips Alaska Inc. must wait until a federal appeals court decides whether to uphold her decision last week to authorize certain winter construction work as she considers arguments from Indigenous and environmental groups against the project (*Greenwire*, Feb. 2).

"Although the Court remains confident in its reasoning, the 9th Circuit may disagree. Accordingly, the Court will exercise its discretion by issuing a brief and limited injunction," Gleason, an Obama appointee, wrote in her order Saturday.

The injunction pausing the project will remain in place until Feb. 20, or until the 9th U.S. Circuit Court of Appeals rules on whether to block the development in the nearly 23-million-acre reserve pending appeal — whichever comes first, according to the order.

The Center for Biological Diversity and Sovereign Iñupiat for a Living Arctic had each led related challenges calling for Gleason to prevent work on the project as they argued that the federal government had failed to adequately analyze the risks to wildlife and climate, in violation of the National Environmental Policy Act.

This weekend order came as the Center for Biological Diversity had filed an emergency motion for the 9th Circuit to halt construction on the project.

"We're happy the court recognizes the damage this massive oil project will do to the Western Arctic," Kristen Monsell, a senior attorney with the Center for Biological Diversity, said in a statement.

"Our appeal to the 9th Circuit is likely to succeed because of the way this project's approval disregarded impacts on climate change and endangered species. We must protect the Arctic, not exploit it."

The order prevents "blasting, surface mining, or the use of other equipment to remove overburden or gravel" at the Willow site. It also blocks any gravel road construction, though it does not bar ConocoPhillips from building seasonal ice roads and pads.

ConocoPhillips could not be immediately reached for comment. The Houston-based company had been set to break ground on the Willow project Feb. 12. The company has estimated Willow could produce 590 million barrels of oil over 30 years.