

No. 23-3627 (consolidated with No. 23-3624)

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

SOVEREIGN IÑUPIAT FOR A LIVING ARCTIC, et al.,
Plaintiffs-Appellants,

v.

BUREAU OF LAND MANAGEMENT, et al.,
Defendants-Appellees,

and

CONOCOPHILLIPS ALASKA, INC., et al.,
Intervenor-Defendants-Appellees.

On Appeal from the United States District Court
for the District of Alaska

Case No: 3:23-cv-00058-SLG

RENEWED MOTION FOR AN INJUNCTION PENDING APPEAL

(RELIEF REQUESTED AS SOON AS POSSIBLE)

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Appellants Sovereign Iñupiat for a Living Arctic et al. (collectively SILA) renew their request for injunctive relief pending appeal to avoid the further irreparable destruction of Arctic wetlands and tundra, and harms to wildlife and people, caused by ConocoPhillips Alaska, Inc.’s (ConocoPhillips) continuing construction of the Willow Master Development Project (Willow) in the National Petroleum Reserve-Alaska (Reserve). ConocoPhillips reinitiated ground-disturbing construction activities on December 23, 2023. Ex. 1 at 1 (email from ConocoPhillips’ counsel confirming ground-disturbing activities have begun); *see also* Dkt. 9.1 at iv, vi–vii.

SILA filed an emergency motion for injunctive relief on December 4, 2023. Em. Mot. Under Circuit Rule 27-3, Dkts. 10.1–10.33. Defendants and Intervenor-Defendants all responded on December 12, 2023. Fed. Defs. Opp’n, Dkts. 20.1–20.12; North Slope Borough Opp’n, Dkts. 21.1–21.14; Arctic Slope Regional Corp. Opp’n, Dkts. 22.1–22.5, ConocoPhillips Alaska, Inc. Opp’n, Dkts. 24.1–24.26; Kuukpik Corp. Opp’n, Dkts. 26.1–26.14; State of Alaska Opp’n, Dkts. 27.1–27.1. SILA submitted its reply on December 13, 2023. Reply in Supp. Of Em. Mot. for Injunction Pending Appeal, Dkt. 31.1.

The motions’ panel for this Court denied the motion on December 18, 2023. Order at 2, Dkt. 34.1. The Court, however, stated that the motion for injunctive

relief pending appeal was “denied without prejudice to renewal before the merits panel.” *Id.* The Court also expedited this appeal. *Id.*

SILA hereby renews its motion for injunctive relief pending appeal pursuant to Federal Rule of Appellate Procedure 8(a)(2). The motion has been fully briefed before this Court. SILA’s motion and reply, and supporting exhibits, demonstrate that it is likely to succeed on the merits, will suffer irreparable harm if Willow is not enjoined, and that the balance of equities and public interest favor an injunction. Em. Mot. Under Circuit Rule 27-3 at 6–24, Dkt. 10.1; Reply in Supp. Of Em. Mot. for Injunction Pending Appeal at 1–11, Dkt. 31.1. SILA’s opening brief filed concurrently, Dkt. 40.1, further demonstrates that it is likely to succeed on the merits. *See Feldman v. Ariz Sec’y of State*, 843 F.3d 366, 367 (9th Cir. 2016) (standard for injunction pending appeal).

SILA requests that this Court enter an injunction as soon as possible to prevent irreparable harm to the Reserve and the people that rely on it from Willow’s permanent infrastructure, which is being constructed now.

Federal Defendants-Appellees and Defendant-Intervenors-Appellees oppose this motion.

Respectfully submitted this 29th day of December, 2023.

s/ Bridget Psarianos
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CERTIFICATE OF COMPLIANCE

I certify that:

- (1) This document contains 396 words, excluding the items exempted by Federal Rules of Appellate Procedure 27(a)(2)(B) and 32(f). When divided by 280, the word length of this document does not exceed 20 pages, in compliance with Circuit Rules 27-1(1)(d) and 32-3(2); and
- (2) This document's type size and typeface comply with Federal Rule of Appellate Procedure 32(a)(5) and (6).

Signature: *s/Bridget Psarianos*

Date: December 29, 2023

CERTIFICATE OF SERVICE

I hereby certify that on December 29, 2023, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate ACMS system, which will send electronic notification of such filings to the attorneys of record in this case.

/s/ Bridget Psarianos

From: [Steen, Ryan P.](#)
To: [Bridget Psarianos](#); [Morgan, Jason T.](#)
Cc: [Collier, Amy \(ENRD\)](#); [Suzanne Bostrom](#); [Brook Brisson](#)
Subject: RE: Request for Willow update
Date: Saturday, December 23, 2023 1:09:32 PM
Attachments: [image003.png](#)
[image001.png](#)

Hi Bridget –

Yes, surface-disturbing activities have begun.

-Ryan

From: Bridget Psarianos <bpsarianos@trustees.org>
Sent: Friday, December 22, 2023 11:35 AM
To: Steen, Ryan P. <ryan.steen@stoel.com>; Morgan, Jason T. <jason.morgan@stoel.com>
Cc: Collier, Amy (ENRD) <Amy.Collier@usdoj.gov>; Suzanne Bostrom <sbostrom@trustees.org>;
Brook Brisson <bbrisson@trustees.org>
Subject: Request for Willow update

Hello Ryan and Jason,
Can you please provide us an update regarding whether ConocoPhillips began ground-disturbing construction activities on Dec. 21st? If the start date was precluded due to weather, are you able to provide any update on when those activities are anticipated to begin?

Our clients are considering renewing our motion for an injunction pending appeal, consistent with the Court's order on Monday, and I would like to be able to provide updated information regarding ConocoPhillips' construction plans to our clients and the court if we do file such a motion.

Thank you,
Bridget

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TRUSTEES FOR ALASKA
PROTECT | DEFEND | REPRESENT

We use the law to protect and defend Alaska's lands, waters, wildlife, and people.

We recognize that we live and work within the traditional lands of the Indigenous Peoples of Alaska, and that our offices are located on the traditional territories of the Dena'ina Peoples. We acknowledge the place-based knowledge of these peoples, and are grateful for their ancestral and current stewardship of these lands.