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

CENTER FOR BIOLOGICAL DIVERSITY <i>et al.</i> ,)	No. 23-3624
)	(consolidated with
<i>Plaintiffs-Appellants,</i>)	No. 23-3627
v.)	
)	On Appeal from the
BUREAU OF LAND MANAGEMENT <i>et al.</i> ,)	United States District
)	Court for the District of
<i>Defendants-Appellees,</i>)	Alaska
)	
and)	No. 3:23-cv-00061-SLG
)	
CONOCOPHILLIPS ALASKA, INC. <i>et al.</i> ,)	Hon. Sharon L. Gleason
)	
<i>Intervenor-Defendants-Appellees.</i>)	
)	

**PLAINTIFFS-APPELLANTS' RENEWED MOTION FOR INJUNCTION
PENDING APPEAL**

Pursuant to Federal Rule of Appellate Procedure 8(a)(2), Plaintiffs-Appellants (Plaintiffs) renew their request to enjoin implementation of the Bureau of Land Management's approval of ConocoPhillips Alaska, Inc.'s (ConocoPhillips) Willow Master Development Plan, pending appeal of the district court's denial of Plaintiffs' motion for summary judgment.

Plaintiffs filed an emergency motion for injunction pending appeal in this Court on December 6, 2023. Dkt. 10.1. On December 18, a motions panel denied Plaintiffs' motion without prejudice to renewal before the merits panel and consolidated the case with Case No. 23-3627. Dkt. 37.1 at 1-2. The Court expedited these cases under General Order 3.3(g), recognizing their urgent nature. *Id.* at 2-3.

Because ConocoPhillips has begun ground disturbing construction activities, which will cause irreparable harm to Plaintiffs members' subsistence and recreational interests, Dkt. 10.1 at 13-22; Ex. 1, Plaintiffs renew their motion for injunctive relief pending this Court's final decision on the merits of Plaintiffs' appeal. This motion has been fully briefed. *See* Dkts. 10.1, 20.1, 21.1, 22.1, 24.1, 26.1, 28.1, 35.1. Plaintiffs motion, reply, and their exhibits demonstrate that they have met the injunction factors. *See Se. Alaska Conservation Council v. U.S. Army Corps of Eng'rs*, 472 F.3d 1097, 1100 (9th Cir. 2006). Their opening merits brief filed today further demonstrates their likelihood of success on the merits.

Plaintiffs respectfully request that the Court enter an injunction as soon as possible to prevent further irreparable harm from construction activities planned during the pendency of this appeal.

Defendants-Appellees and Intervenor-Defendants-Appellees oppose this motion.

Respectfully submitted this 29th day of December, 2023.

s/ Erik Grafe

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NATURAL RESOURCES DEFENSE COUNCIL

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CERTIFICATE OF COMPLIANCE

I certify that:

(i) This document uses proportionally spaced, 14-point, roman style font and therefore complies with the typeface and type style requirements of Federal Rules of Appellate Procedure 32(a)(5) and (6); and

(ii) This document contains 1,546 words, excluding items exempted by Federal Rule of Appellate Procedure 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).

Dated: December 29, 2023

s/ Erik Grafe
Erik Grafe

Erik Grafe

From: Steen, Ryan P. <ryan.steen@stoel.com>
Sent: Thursday, December 28, 2023 6:57 PM
To: Erik Grafe; Morgan, Jason T.; Sanders, Luke A.; Brown, Whitney A.
Subject: RE: CBD v. BLM, No. 23-3624 (Willow)

Follow Up Flag: Follow up
Flag Status: Flagged

External Sender



Hi Erik-

Yes, surface-disturbing activities have begun.

-Ryan

From: Erik Grafe <egrafe@earthjustice.org>
Sent: Thursday, December 28, 2023 3:27 PM
To: Steen, Ryan P. <ryan.steen@stoel.com>; Morgan, Jason T. <jason.morgan@stoel.com>; Sanders, Luke A. <luke.sanders@stoel.com>; Brown, Whitney A. <whitney.brown@stoel.com>
Subject: FW: CBD v. BLM, No. 23-3624 (Willow)

Dear counsel,

Are you able to confirm whether ConocoPhillips has resumed ground disturbing construction for Willow or when it anticipates doing so?

Thank you.

Best,

Erik

From: Erik Grafe <egrafe@earthjustice.org>
Sent: Thursday, December 28, 2023 2:24 PM
To: Morgan, Jason T. <jason.morgan@stoel.com>; Sanders, Luke A. <luke.sanders@stoel.com>; Brown, Whitney A. <whitney.brown@stoel.com>; Bosshardt, Stacey (Perkins Coie) <SBosshardt@perkinscoie.com>; Collier, Amy (ENRD) <Amy.Collier@usdoj.gov>; Steen, Ryan P. <ryan.steen@stoel.com>; Fjelstad, Eric (Perkins Coie) <EFjelstad@perkinscoie.com>; Tyson Kade <tck@vnf.com>; Jonathan Simon <jsimon@vnf.com>; Melinda Meade Meyers <mmeademeyers@vnf.com>; mary.gramling@alaska.gov; Charles Cacciola <CCacciola@bcfaklaw.com>; Patrick Munson <PMunson@bcfaklaw.com>; Kody George <kgeorge@bcfaklaw.com>; Charlene B. Koski <cbk@vnf.com>; Leik,