

STEPHEN J. COX
ATTORNEY GENERAL

Mary Hunter Gramling
Alaska Bar No. 1011078
State of Alaska
Department of Law
P.O. Box 110300
Juneau, AK 99811-0300
Telephone: (907) 465-3600
Facsimile: (907) 465-2520
Email: mary.gramling@alaska.gov

Attorney for the State of Alaska

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

| | | |
|-----------------------------|---|----------------------------|
| SOVEREIGN IÑUPIAT FOR A |) | |
| LIVING ARCTIC <i>et al.</i> |) | STATE OF ALASKA’S |
| |) | UNOPPOSED MOTION TO |
| |) | INTERVENE |
| Plaintiffs, |) | |
| v. |) | |
| |) | |
| DOUG BURGUM <i>et al.</i> , |) | |
| |) | |
| Defendants |) | Case No. 3:25-cv-00356-SLG |
| _____ |) | |

Pursuant to Fed. R. Civ. P. 24(a)(2), proposed intervenor the State of Alaska (“Alaska”) moves this Court for entry of an Order granting Alaska leave to intervene in this case as a matter of right. Alternatively, and pursuant to Fed. R. Civ. P. 24(b), Alaska moves this Court for entry of an Order granting Alaska permissive leave to intervene. Counsels for the Plaintiffs, Federal Defendants, and

Intervenor-Defendant ConocoPhillips, Inc., have indicated that their respective clients do not oppose Alaska's intervention. Alaska will participate under the existing schedule and timelines in this matter so intervention will not result in delay. A memorandum, proposed answer, and a proposed order accompany this motion.

DATED: December 23, 2025

STEPHEN J. COX
ATTORNEY GENERAL

By: /s/Mary Hunter Gramling
Mary Hunter Gramling
Alaska Bar No. 1011078
State of Alaska
Department of Law
P.O. Box 110300
Juneau, AK 99811-0300
Telephone: (907) 465-3600
Facsimile: (907) 465-2520
Email: mary.gramling@alaska.gov
Attorney for the State of Alaska

CERTIFICATE OF SERVICE

I hereby certify that on December 23 2025, a true and correct copy of the above, was served on all registered parties via the CM/ECF system.

/s/ Mary Hunter Gramling
Mary Hunter Gramling, Chief Assistant Attorney General

STEPHEN J. COX
ATTORNEY GENERAL

Mary Hunter Gramling
Alaska Bar No. 1011078
State of Alaska
Department of Law
P.O. Box 110300
Juneau, AK 99811-0300
Telephone: (907) 465-3600
Facsimile: (907) 465-2520
Email: mary.gramling@alaska.gov
Attorney for the State of Alaska

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

| | | |
|-----------------------------|---|-------------------------------|
| SOVEREIGN IÑUPIAT FOR A |) | |
| LIVING ARCTIC <i>et al.</i> |) | STATE OF ALASKA’S |
| |) | MEMORANDUM IN SUPPORT |
| |) | OF MOTION TO INTERVENE |
| Plaintiffs, |) | |
| v. |) | |
| |) | |
| DOUG BURGUM <i>et al.</i> , |) | |
| |) | |
| Defendants |) | Case No. 3:25-cv-00356-SLG |
| _____ |) | |

Plaintiffs’ Sovereign Iñupiat for a Living Arctic, Center for Biological Diversity, and the Wilderness Society (collectively “SILA”) seek in this litigation to halt and essentially prevent long-awaited and sought after exploration and development in the National Petroleum Reserve-Alaska (“NPRO”). This action imperils substantial interests of the State of Alaska (“Alaska”) as a sovereign state, neighboring landowner, land manager of subsistence resources, permitting and

regulating agency, taxing authority, and participant in the federalism framework governing NPRA, that support Alaska's request for intervention as a defendant. Delays in exploration of the NPRA chill overall exploration and development and risk vital economic and public benefits for Alaska and its residents. Alaska's intervention could aid the Court and the parties as due to Alaska's unique roles and expertise. Alaska's intervention is timely and will not prejudice any party. No existing party can effectively represent Alaska interests.

INTRODUCTION

SILA's Complaint challenges the Bureau of Land Management's ("BLM" or Federal Defendants) approval of ConocoPhillips Alaska, Inc.'s ("CPAI") exploration program consisting of seismic exploration, exploratory drilling, and plugging of wells. ECF No. 1. SILA alleges that BLM's Decision and its use of certain Required Operating Procedures ("ROPs") and mitigation measure violates the National Petroleum Reserves Production Act ("Production Act"), 42 U.S.C. §§6501-6508, associated regulations, and the Administrative Procedure Act ("APA"). ECF No. 1. BLM's Decision approving the exploration program and BLM's finding of no new significant impact ("FONNSI") following an environmental assessment ("EA") tier from the 2020 NPR-A Integrated Activity Plan Environmental Impact Statement ("2020 NPRA IAP EIS") and associated 2022 Record of Decision ("2022 ROD") and the mitigation measures, like ROPs,

developed in those lengthy and extensive public processes for exploration in the NPRA. ECF No. 6-4 at 1. The Final EA challenged here incorporated recent analysis from the 2023 Willow Master Development Plan Supplemental Environmental Impact Statement (“2023 Willow SEIS”) by reference. ECF No. 6-3 at 6. The Decision before this Court included additional mitigation measures specific for this exploration program including requiring increased monitoring and inspection by CPAI and BLM. ECF No. 6-4 at 1-2.

Alaska due to its expertise and government status was a cooperating agency in the development of the 2020 NPRA IAP EIS and that led to the 2022 ROD. ECF No 6-3 at 8. Alaska is an intervenor-defendant in current litigation challenging the 2020 NPRA IAP EIS and 2022 ROD. *National Audubon Society, et al., v. Burgum*, Case No. 3:20-cv-002006-SLG. SILA’s Complaint asks this Court to halt exploration and vacate BLM’s Decision based on allegations that BLM violated Production Act regulations (“2024 NPRA Regulations”). ECF No. 1. Alaska is challenging those same regulations as contrary to the Production Act. *Alaska v. Bureau of Land Management*, Case No. 3:24-cv-00144-SLG. Additionally, Alaska was an intervenor-defendant in support of the (“2023 Willow SEIS”) and associated approvals. *SILA v. BLM*, Case No. 3:23-cv-00058-SLG.

The Decision and associated stipulations, operating procedures, and mitigation measures, require consultation and in some instances additional

approvals by Alaska agencies. ECF No. 6-3 (for example see, at 75 contemplating additional approvals for waste from Alaska’s Oil and Gas Conservation Commissioner or Department of Environmental Conservation, at 79 contemplating consultation with Alaska’s Fish and Game Department.); ECF No. 6-3 at 31 (noting that water use authorizations would be required from Alaska’s Department of Natural Resources and potentially habitat permits from Alaska’s Department of Fish and Game.). Alaska’s legislature and Governor have long sought increased exploration and activities in the NPRA. Legislative Resolve 2, 2023¹; Governor’s Transition Plan² requesting what became Executive Order 14153 “Unleashing Alaska’s Extraordinary Resource Potential”. In sum, Alaska has long sought increased and timely exploration and development in the NPRA and devoted significant resources towards that end.

I. ALASKA IS ENTITLED TO INTERVENE AS OF RIGHT.

The Court considers four factors for intervention as a matter of right under Rule 24(a)(2): 1) the motion must be timely; 2) the movant must claim a protectable interest relating to the property or transaction that is the subject of the action; 3) the movant must show that the action may impair or impede the

¹ <https://www.akleg.gov/PDF/33/Bills/HJR006Z.PDF> (last accessed Dec. 23, 2025).

² <https://gov.alaska.gov/wp-content/uploads/Alaska-Federal-Transition-Plan.pdf> (at 6, requesting reopen of NPR-A)(last accessed Dec. 22, 2025).

movant's ability to protect its interest; and 4) the movant must not be represented adequately by the parties already involved in the action. *Wilderness Soc. v. U.S. Forest Serv.*, 630 F.3d 1173, 1177 (9th Cir. 2011)(citing *Sierra Club v. U. S. Env'tl. Prot. Agency*, 995 F.2d 1478, 1481 (9th Cir. 1993), *abrogated on other grounds*).

A. Alaska's motion is timely.

Alaska has timely requested to participate in this litigation through intervention. The litigation is in its preliminary stages. SILA filed their Complaint on December 11, 2025, and the Federal Defendants have not yet filed an Answer. ECF No. 1. SILA also filed a motion for preliminary injunction on December 11, 2025. ECF No. 6. This Court ordered that any responses to that motion by the Federal Defendants and any intervenors be filed by December 24, 2025. ECF No. 15. Alaska will adhere to the Order on responses to that motion and generally try to minimize duplication of arguments in briefings as well. CPAI was recently admitted as an intervenor-defendant. ECF No. 15.

As noted above, Alaska is a party in other recent cases involving challenges to activities and plans for the NPRA so Alaska's participation does not result in any surprise. Alaska's intervention will not prejudice any of the parties or disrupt the orderly and timely determination of the issues in this case. Alaska's motion to intervene is timely.

B. Alaska has significantly protectable interests in this case.

Alaska's interests as a sovereign state, regulator, and neighboring landowner are significant and numerous. Courts are to accept as true non-conclusory allegations made in support of an intervention motion. *Sw. Ctr. For Biological Diversity v. Berg*, 268 F.3d 810, 819 (9th Cir. 2001). Alaska, as a movant, need only demonstrate a "significantly protectable interest." 630 F.3d 1180. A movant intervenor has a sufficient interest for intervention purposes if "it will suffer a practical impairment of its interests as a result of the pending litigation." *Id.* (quoting *California ex rel. Lockyer v. United States*, 450 F.3d 436, 441 (9th Cir. 2006)).

SILA seeks to delay and likely halt exploration in the NPRA. Alaska's interests may be practically impaired as a result of this litigation. CPAI's exploration program is necessary for CPAI to determine how to move forward for the development of its leases in the NPRA. The exploration program will also likely inform CPAI's decision making process on whether and where to bid on future lease sales in the NPRA. Alaska receives significant revenues from oil and gas leasing and development in the NPRA.

Under the Naval Petroleum Reserves Production Act, 42 U.S.C. §§6501-6508, ("The Production Act"), the federal government is required to pay to Alaska fifty percent of the revenues received from the "sales, rentals, bonuses, and

royalties on leases issued . . .” in the NPRA. 42 U.S.C. § 6506a. A recent amendment to the Production Act provides that for leases in the NPRA issued after July 4, 2025 that the federal government is required to pay Alaska seventy percent of these revenues beginning in fiscal year 2034. Pub. L. 119-21, 139 Stat. 144, (One Big Beautiful Bill), Sec. 50105(e). Alaska’s Department of Revenue’s most recent revenue forecast for fiscal year 2027 anticipated that Alaska would receive \$9.6 million in revenues from NPRA oil and gas without accounting for increased leasing activity from the One Big Beautiful Bill.³ Delay or prevention of CPAI’s exploration program from this litigation impairs Alaska’s ability to receive those revenues from development of CPAI’s existing leases and threatens Alaska receipt of revenues from upcoming lease sales in the NPRA.

A state’s economic interest in revenues from federal leases is sufficient to support standing and therefore Alaska meets the less searching standard for intervention. *Org. Village of Kake v. U.S. Dep’t of Agric*, 795 F.3d 956, 963-64 (9th Cir. 2015); *Watt v. Energy Action Education Found.*, 454 U.S. 151, 161 (1981)(finding California’s direct financial stake in federal lease revenues from oil and gas and status as a neighboring landowner supported standing).

3

<https://tax.alaska.gov/programs/programs/reports/RSB.aspx?Year=2025&Type=Fall> (Chapter 6, Chart 1) (last accessed Dec. 22, 2025).

Alaska as a sovereign has an interest in the terms under which it participates in the federal system that support intervention in this case. *See, Massachusetts v. U.S. EPA*, 549 U.S. 497, 519-20 (2007). Alaska's interests are repeatedly acknowledged in the Production Act⁴ and Alaska has consistently participated in litigation concerning interpretation and implementation of the Production Act.

Alaska as a sovereign has interests in promoting the health, safety, and welfare of its citizens. Moreover, the State has a constitutional directive to assist local governments. Alaska Const. Art. X, §14. Revenues from NPRA that may be imperiled by this litigation are part of how Alaska assists local governments. Alaska as a taxing authority receives revenues from oil and gas production, property taxes, corporate income taxes, and other revenues that follow from the business activities supporting oil and gas exploration and development that may be at risk due to delay and chill of investments that follow from halted exploration. AS 43.55 (oil and gas production taxes); AS 43.56 (oil, gas, and pipeline property tax); AS 43.20 (corporate income tax). SILA's challenges in this case could result in the loss of those tax revenues for the State and municipalities. *See, Wyoming v.*

⁴ The Production Act also requires the federal government to consult with Alaska prior to any reduction or waiver of royalties or fees under the leases. 42 U.S.C. § 6506a(k). The Production Act recognizes Alaska's role as a neighboring landowner because the Production Act requires consultation with Alaska on management of units containing state land. 42. U.S.C. § 6506a(j).

Oklahoma, 502 U.S 437, 450 (1992)(granting standing to Wyoming due to an Oklahoma act that would impact coal severance tax revenues in Wyoming).

Alaska also has a duty to promote economic development within its borders, including making available economic opportunities for its citizens. *See* AS 44.33.020(a)(30) – (35). The exploration program may have up to 745 personnel working in the area. ECF No. 6-3 at 33; ECF No. 6-5 at 5 (Finding minor impact for furbearers and hunters in pelt sales and that “local community would likely experience beneficial economic effects from local employment for ice road and pad construction and/or camp management.”). As part of its local hire efforts, CPAI may host local job fairs in support of this exploration program where local residents may meet with CPAI and contractors about the exploration program and opportunities. ECF No. 6-3 at 41. Delay or prevention of the exploration program will likely diminish existing and potential job opportunities for state residents.

Alaska has the authority to manage and protect wildlife within its borders, including on federal lands, except to the extent expressly preempted by Congress. The Alaska Constitution requires Alaska to manage resources for the maximum benefit and use. Alaska Const. Art. VIII, §§ 1-2. Wildlife is reserved to the people

for common use,⁵ and must be “utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses.” Alaska Const. Art. VIII, §§ 3-4. Alaska has a significant protectable interest that could be impacted by this litigation because Alaska has an interest in maintaining its legal role with regard to wildlife management. SILA’s claims may impact Alaska’s legal role and comprehensive management of wildlife.

C. Absent intervention, Alaska’s ability to protect its significant interests would be impaired.

The disposition of this case could impair Alaska interests. Courts inquire whether the action’s disposition, as a practical matter, may impair or impede the intervenor’s ability to protect asserted interests. 630 F.3d 1177. The question of impairment is not separate from the question of existence of an interest. See, e.g., *Natural Res. Def. Council, Inc. v. U.S. Nuclear Regulatory Comm’n*, 578 F.2d 1341, 1345 (10th Cir. 1978).

As explained above, the disposition of this case could imperil vital state and local revenues and the vast array of public benefits that will follow from those revenues. The case may also impair or impede Alaska’s interests as a neighboring landowner and regulator since activities to support the exploration project will

⁵ Alaska Const. Art. VIII, § 3.

require permits and other authorizations. Alaska clearly meets the third element for intervention on multiple fronts.

D. Alaska’s interests are not represented by existing parties.

For the fourth element for intervention as of right, the proposed intervenor is to show that its interests will not be adequately protected by the existing parties. The burden under this element is “minimal”; meaning a party seeking to intervene need only show that representation of its interests “may be inadequate.” The Ninth Circuit considers numerous factors to determine whether the applicant for intervention’s interests will be adequately represented by an existing party, including: “(1) whether the interest of a present party is such that it will undoubtedly make all the intervenor’s arguments; (2) whether the present party is capable and willing to make such arguments; and (3) whether the would-be intervenor would offer any necessary elements to the proceedings that other parties would neglect.” *Nw. Forest Res. Council v. Glickman*, 82 F.3d 825, 838 (9th Cir. 1996).

The objectives and interests of Alaska are not identical to those of any existing party to this action. While the Federal Defendants are to consider public interest factors in decision-making, the Federal Defendants’ arguments or litigation focus may not align with those of Alaska. For example, SILA alleges the exploration program violated 2024 NPRA regulations. ECF No. 1. Alaska disputes

the validity of those regulations and therefore may argue that the Decision cannot be invalid for any perceived violation of invalid regulations. It is unlikely that the Federal Defendants would make those arguments.

As oil and gas revenues are a major revenue source for Alaska, Alaska's economic interest is from a relative standpoint greater than economic interests of the Federal Defendants. More importantly, Alaska cannot rely on the Federal Defendants to advance the same arguments Alaska would make. Differing resources, policy values, and relative economic interests may mean that the Federal Defendants may not advocate in defense as Alaska would wish. Additionally, Alaska has been a party to other cases where the federal government defendants have flipped positions mid-litigation or failed to defend at all. *Friends of Alaska National Wildlife Refuge v. Haaland*, No. 20-35721, ECF No. 144 (purporting to unilaterally withdraw from a land exchange previously defended during en banc review); *Organized Village of Kake v. U.S. Dep't of Agric.*, 795 F.3d 956, 963 (9th Cir. 2015).

CPAI's interests are economic and in the interest of a corporation for its shareholders. Those interests are fundamentally different than Alaska's as a sovereign state and neighboring landowner. See *Earthworks v. U.S. Dep't of Interior*, 2010 WL 3063143, *2 (D.D.C. 2010) ("Alaska's interests in the natural resources within state borders and the economic effects on the state of mining

regulation are not necessarily represented by federal agencies or private companies”). Alaska serves the broader interests of the residents of the State and as a sovereign landowner in the development of natural resources. Alaska Const., Art. VIII, § 1. Alaska as a neighboring lessor, wildlife manager, and permitting authority may bring elements that other parties may not consider. Thus, representation of Alaska’s interest by any other party to this litigation would be inadequate, and intervention should be granted.

II. ALTERNATIVELY, ALASKA SATISFIES THE REQUIREMENTS FOR PERMISSIVE INTERVENTION.

Alaska believes it is entitled to intervene in this case as of right. However, should the Court determine otherwise, Alaska should be permitted to intervene under Fed. R. Civ. P. 24(b)(2). All that is necessary for permissive intervention is that intervenor’s “claim or defense that shares with the main action a common question of law or fact.” Fed. R. Civ. P. 24(b). Rule 24(b) plainly dispenses with any requirement that the intervenor shall have a direct personal or pecuniary interest in the subject of the litigation.” *Sec. & Exch. Comm’n v. U.S. Realty & Improvement Co.*, 310 U.S. 434, 459 (1940).

Alaska, by virtue of its statutory and constitutional responsibilities and the other matters described above, holds claims and defenses in common with questions of law and fact raised by SILA’s Complaint. Rule 24(b) also requires the

court to consider whether permissive intervention would cause undue delay or would prejudice adjudication of the rights of the original parties. As noted above, Alaska's motion is timely and will not delay or prejudice the schedules established in the case.

CONCLUSION

Alaska's intervention will benefit the Court in considering the purposes of exploration and various public interests at stake. Alaska requests the Court grant it leave to intervene in this case as a matter of right, or, in the alternative, permissive intervention.

DATED: December 23, 2025

STEPHEN J. COX
ATTORNEY GENERAL

By: /s/Mary Hunter Gramling
Mary Hunter Gramling
Alaska Bar No. 1011078
State of Alaska
Department of Law
P.O. Box 110300
Juneau, AK 99811-0300
Telephone: (907) 465-3600
Facsimile: (907) 465-2520
Email: mary.gramling@alaska.gov
Attorney for the State of Alaska

CERTIFICATE OF COMPLIANCE

This document contains 2792 words, excluding items exempted by Local Civil Rule 7.4(a)(4). Counsel relies on the word count of the computer program used to prepare this document. The document complies with the word limit of Local Rule 7.4(2).

CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2025, a true and correct copy of the foregoing document was served on all registered parties via the CM/ECF system.

/s/ Mary Hunter Gramling

Mary Hunter Gramling, Chief Assistant Attorney General

STEPHEN J. COX
ATTORNEY GENERAL

Mary Hunter Gramling
Alaska Bar No. 1011078
State of Alaska
Department of Law
P.O. Box 110300
Juneau, AK 99811-0300
Telephone: (907) 465-3600
Facsimile: (907) 465-2520
Email: mary.gramling@alaska.gov

Attorney for the State of Alaska

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

SOVEREIGN IÑUPIAT FOR A)
LIVING ARCTIC *et al.*)
)
)
 Plaintiffs,)
 v.)
)
 DOUG BURGUM *et al.*,)
)
 Defendants)
_____)

**ORDER GRANTING STATE OF
ALASKA'S MOTION
TO INTERVENE**

Case No. 3:25-cv-00356-SLG

Before the Court at Docket 19 is the Motion to Intervene by the State of Alaska. The Plaintiffs, Federal Defendants, and intervenor-defendants do not oppose the intervention. It is ORDERED that the motion is GRANTED. Alaska is admitted into this litigation as an intervenor-defendant. Within seven (7) days of the date of this order, Alaska is directed to file a clean copy of its Answer.

DATED: _____, 2025.

Sharon L. Gleason
United States District Judge

STEPHEN J. COX
ATTORNEY GENERAL

Mary Hunter Gramling
Alaska Bar No. 1011078
State of Alaska
Department of Law
P.O. Box 110300
Juneau, AK 99811-0300
Telephone: (907) 465-3600
Facsimile: (907) 465-2520
Email: mary.gramling@alaska.gov

Attorney for the State of Alaska

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

| | | |
|-------------------------------|---|------------------------------|
| SOVEREIGN IÑUPIAT FOR A |) | |
| LIVING ARCTIC <i>et al.</i> , |) | STATE OF ALASKA’S |
| |) | PRELIMINARY ANSWER TO |
| |) | COMPLAINT |
| Plaintiffs, |) | FOR DECLARATORY AND |
| v. |) | INJUNCTIVE RELIEF |
| |) | |
| DOUG BURGUM <i>et al.</i> , |) | |
| |) | |
| Defendants |) | Case No. 3:25-cv-00356-SLG |
| _____ |) | |

Under Rules 8 and 24(c) of the Federal Rules of Civil Procedure, Movant Intervenor-Defendant State of Alaska (Alaska) responds as follows to Plaintiffs’ Complaint, ECF No. 1 (Complaint):

GENERAL DENIAL

Alaska denies any allegation of the Complaint, whether express or implied, including any allegations reflected in the Complaint's section headings, that are not specifically admitted, denied, or qualified herein. Alaska submits this preliminary answer due to the current status of the case and will supplement this pleading with an answer that responds paragraph-by-paragraph to the allegations in Plaintiffs' Complaint within the time allotted for the Federal defendants to file an answer.

AFFIRMATIVE DEFENSES

Intervenor-Defendant Alaska asserts the following affirmative defenses:

1. Plaintiffs have failed to state a claim for which relief may be granted.
2. Plaintiffs lack standing to bring their claims.
3. This Court lacks jurisdiction over some or all of plaintiffs' claims.
4. Some or all of plaintiffs' claims are barred by the doctrines of ripeness, laches, res judicata, collateral estoppel, or exhaustion of administrative remedies.
5. Some or all of plaintiffs' claims are barred by the applicable statute of limitations.
6. Intervenor-Defendant Alaska reserves the right to amend or supplement these affirmative defenses as appropriate.

Intervenor-Defendant Alaska having answered the allegations contained in plaintiffs' Complaint, respectfully requests that this Court enter a judgment dismissing the Complaint with prejudice, and awarding such other and further relief as may be just and warranted.

DATED: December 23, 2025

STEPHEN J. COX
ATTORNEY GENERAL

By: /s/Mary Hunter Gramling
Mary Hunter Gramling
Alaska Bar No. 1011078
State of Alaska
Department of Law
P.O. Box 110300
Juneau, AK 99811-0300
Telephone: (907) 465-3600
Facsimile: (907) 465-2520
Email: mary.gramling@alaska.gov
Attorney for the State of Alaska

CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2025, a true and correct copy of the above, State of Alaska's Preliminary Answer to Complaint for Declaratory and Injunctive Relief, was served on all registered parties via the CM/ECF system.

/s/ Mary Hunter Gramling
Mary Hunter Gramling, Chief Assistant Attorney General