Brad D. De Noble, ABA #9806009
De Noble Law Offices, LLC
11517 Old Glenn Hwy, Suite 202
Eagle River, Alaska 99577
bdenoble@alaska.net

Andrew L. Welle*
Joanna C. Zeigler*
Our Children's Trust
1216 Lincoln Street
Eugene, Oregon 97401
andrew@ourchildrenstrust.org
joanna@ourchildrenstrust.org

Attorneys for Plaintiffs
**Counsel to seek admission pro hac vice*

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

SUMMER SAGOONICK; CH'EELIL P., a minor, by and through her guardian, ENEI P.; CECILY S. and LILA S., minors, by and through their guardians, MIRANDA W. and BOB S.; CARRIE DOCK; LINNEA LENTFER; BAY W., a minor, by and through his guardian, MILLER W.; and JAMIE T., a minor, by and through her guardian, BERTHA T., Plaintiffs, v. STATE OF ALASKA; ALASKA GASLINE DEVELOPMENT CORPORATION; and FRANK RICHARDS, President of the Alaska Gasline Development Corporation, in his capacity, Defendants.	Case No. 3AN-24-_____ CI

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

TABLE OF CONTENTS

I. NATURE OF THE CASE

1. This is a facial challenge under Article VIII and Article I, section 7 of Alaska's Constitution to AS § 31.25.005(1) and (5). Amidst Alaska's worsening climate crisis, these laws unconstitutionally mandate the development and advancement of the Alaska Liquified Natural Gas Project (the "**Alaska LNG Project**" or the "**Project**"), which would substantially increase Alaska's climate pollution[1] for decades to come, causing existential harms to the lives, health, safety, and cultural traditions and identities of Alaska's youth, and substantially limit their access to the vital natural resources upon which they depend.

2. Summer Sagoonick; Ch'eelil P., a minor by and through her guardian, Enei P.; Cecily S. and Lila S., minors, by and through their guardians, Miranda W. and Bob S.; Carrie Dock; Linnea Lentfer; Bay W., a minor by and through his guardian, Miller W.; and Jamie T., a minor by and through her guardian, Bertha T. (collectively "**Youth Plaintiffs**") seek a declaratory judgment against the State of Alaska; the Alaska Gasline Development Corporation (**"AGDC**"); and AGDC President, Frank Richards (collectively "**Defendants**"), that AS § 31.25.005(1) and (5) are unconstitutional and violate Youth Plaintiffs' public trust and substantive due process rights, including their right to a climate system that sustains human life, liberty, and dignity under Article VIII and Article 1, section 7 of Alaska's Constitution. Youth Plaintiffs also seek equitable relief enjoining Defendants from further implementing AS § 31.25.005(1) and (5) through any further

[1] Climate pollution consists of greenhouse gas ("**GHG**") emissions, including carbon dioxide ("**CO_2**"), methane, and nitrous oxide. Climate pollution from fossil fuel development and combustion, predominantly CO_2, is the primary cause of anthropogenic climate change.

actions to develop and advance the Alaska LNG Project. Declaring these laws unconstitutional and enjoining them will prevent the substantial harms to Youth Plaintiffs and the deprivation of their fundamental rights which would result from the Alaska LNG Project.

3. With atmospheric concentrations of climate pollution already well above safe levels due to the development and combustion of fossil fuels, Alaska is already in a state of climate disruption. The polluted and destabilized climate system is harming the health and safety of Alaska's youth, including Youth Plaintiffs, interfering with their natural development, disrupting their cultural traditions and identities, and limiting their access to the natural resources on which they rely.

4. Every additional ton of climate pollution causes further harm and endangerment to Alaska's youth and brings Alaska closer to fast-approaching, irreversible climate tipping points. A substantial portion of every ton of CO_2 pollution stays in the atmosphere for millennia trapping heat. Every ton of climate pollution that is avoided lessens the accumulation of heat that is trapped on Earth and therefore lessens the future harm to Youth Plaintiffs.

5. At a time when the scientific consensus requires that climate pollution must be rapidly reduced to avert further and irreversible climate harms to Alaska's youth, AS § 31.25.005(1) and (5) unconstitutionally direct AGDC to develop and advance the Alaska LNG Project, which would unleash vast quantities of fossil gas from Alaska's North Slope and substantially increase Alaska's emissions of climate pollution. The Alaska LNG Project is intended to operate for at least thirty years and would ensure continuing and

substantially elevated levels of climate pollution for decades, locking in increasing and worsening harms to Youth Plaintiffs.

6. Youth Plaintiffs are children and youth in Alaska, between the ages of 11 and 22, who have been and continue to be seriously harmed by the climate changes already occurring in Alaska and whose lives, health, safety, cultures, and access to natural resources are profoundly threatened by the substantial levels of climate pollution and additional climate harms that would result from the Alaska LNG Project. As youth and children, Youth Plaintiffs are uniquely vulnerable to and disproportionately injured by the climate harms that would result from the Alaska LNG Project.

7. Youth Plaintiffs challenge the statutory provisions that mandate the development and advancement of the Alaska LNG Project, AS § 31.25.005(1) and (5), as violating their public trust and substantive due process rights, including their right to a climate system that sustains human life, liberty, and dignity, under Article VIII and Article I, section 7 of Alaska's Constitution.

8. Given the already dire emergency that climate pollution and Alaska's resulting climate crisis poses to Youth Plaintiffs, and given Defendants' ongoing actions in implementing AS § 31.25.005(1) and (5) in furtherance of the Alaska LNG Project, Youth Plaintiffs also respectfully plea that they be granted a swift hearing on their claims for declaratory and injunctive relief, which can be determined simultaneously based on the same body of evidence. Alaska R. Civ. P. 57(a) ("The court may order a speedy hearing of an action for a declaratory judgment and may advance it on the calendar."); AS § 22.10.020(g) ("Further necessary or proper relief based on a declaratory judgment or

decree may be granted, after reasonable notice and hearing, against an adverse party whose rights have been determined by the judgment.").

II. JURISDICTION AND VENUE

9. The Court has subject matter jurisdiction over this action under AS § 22.10.020.

10. Venue is proper in this Court under Alaska Rule of Civil Procedure 3 and AS § 22.10.030.

11. Youth Plaintiffs claims present a justiciable controversy. A judicial determination of the unconstitutionality of AS § 31.25.005(1) and (5) will clarify and settle the parties' legal relations, terminating and affording relief from the uncertainty, insecurity, and controversy regarding the constitutionality of AS § 31.25.005(1) and (5) giving rise to this proceeding.

12. A ruling in Youth Plaintiffs' favor determining that AS § 31.25.005(1) and (5)'s mandate for Defendants to advance and develop the Alaska LNG Project is unconstitutional would compel Defendants to cease any conduct to further advance and develop the Project.

13. According to AGDC's own public documents, suspending AGDC's actions in advancing and developing the Alaska LNG Project "would stop the Alaska LNG Project." Stopping the Project will prevent Defendants from causing roughly at least 2.3

billion metric tons (or 2,300 million metric tons ("**MMT**")) CO_2e of climate pollution that would result from the Project.[2]

14. A judicial determination that AS § 31.25.005(1) and (5) unconstitutionally direct Defendants to advance and develop the Alaska LNG Project would protect Youth Plaintiffs from the additional and increased injuries that would occur due to the substantial climate pollution that would result from the Alaska LNG Project.

15. A judicial determination that AS § 31.25.005(1) and (5) unconstitutionally direct Defendants to advance and develop the Alaska LNG Project would instruct Defendants that, to comply with their constitutional obligations and avoid further litigation, they must cease any actions to advance and develop the Alaska LNG Project.

16. A judicial determination that AS § 31.25.005(1) and (5) unconstitutionally direct Defendants to advance and develop the Alaska LNG Project would provide Youth Plaintiffs with a certain basis on which to determine in the future if Defendants are violating their rights. Such a determination would establish that any continuing actions of Defendants to advance and develop the Project would violate Youth Plaintiffs' rights.

III. PLAINTIFFS

17. Youth Plaintiff **Summer Sagoonick** is 22 years old and resides in Unalakleet. Summer's Inupiaq names are Abuzunaq, Ikkugaq, and Massu. The Inupiaq culture of Summer, her family, and her community is tied intimately to the land and local ecology on which they rely for subsistence. Summer's ancestors have inhabited the region

[2] "**CO_2e**" is the abbreviation for "carbon dioxide equivalent," the unit of measurement scientists use to standardize the climate disrupting effect of various GHGs. For any quantity and type of GHG, CO_2e signifies the amount of CO_2 which would cause the equivalent warming impact.

for over 2,200 years. Current levels of climate pollution are already harming Summer's health and safety, her cultural traditions and heritage, her ability to provide for her and her family's subsistence, and her access to the vital natural resources on which she depends. The substantial climate pollution that would result from the Alaska LNG Project would increase and worsen these harms and cause additional harms to Summer.

18. Summer relies upon subsistence foods for approximately eighty-five percent of her diet. She also makes traditional clothing from subsistence resources. To sustain herself and to share with family and community, Summer fishes for salmon, whitefish, smelt, tomcod, and trout; hunts for seal, beaver, moose, caribou, fox, lynx, mink, geese, cranes, and ducks; collects seagull and duck eggs; and picks blueberries, salmonberries, cranberries, and blackberries. In turn, she also relies upon the fish, game, and fauna gathered and shared by her family and community members.

19. Summer's ability to engage in subsistence activities and provide for her and her family's subsistence is already harmed by existing levels of climate pollution. Additional climate pollution will increasingly harm the abundance, distribution, health, and continuing existence of many of the species Summer and her community rely on for subsistence. For instance, high temperatures brought on by climate pollution have resulted in large numbers of salmon washing up dead along the region's shores. Climate pollution induced heating and other changes have also disrupted salmon migration timing, with runs in recent years arriving much later. Salmon numbers have plummeted in the region, subsistence salmon fishing has been restricted in recent years, and salmon harvests are increasingly unusable because of infestations with sea lice, worms, and welts. With increasing water temperatures and other climate dangers, Summer has been increasingly

unable to meet her subsistence needs for salmon. Summer suffers from anemia and with decreased access to iron-rich salmon, Summer experiences loss of energy, fatigue, and weakness. Climate pollution is also altering caribou habitat, disrupting caribou's access to food, changing migration patterns, and increasing mortality events and population declines. With Alaska's heating climate, caribou no longer migrate near Unalakleet and Summer must travel over 150 miles by snow machine to access them. Similarly, climate pollution is altering the migration patterns of birds Summer relies on for subsistence. Warming waters brought on by climate pollution have also decimated crab fishing in the region. With warming waters and loss of sea ice, Summer's community has also observed increased sickness and mortality in seal and walrus populations. Similarly, berry harvest levels have been limited due to extreme heat, changing precipitation patterns, and saltwater inundation from increased storm surge, all resulting from climate pollution.

20. Climate pollution is also making Summer's ability to engage in subsistence activities more difficult and dangerous. Summer depends on gathering fish from local streams and rivers, but climate pollution is increasingly preventing her from accessing these waterways. During hotter and drier summer seasons brought on by climate pollution, the rivers have become shallower, and some streams have often even run dry. Climate pollution-induced permafrost thaw and flooding are eroding riverbanks, obstructing access and travel. Because of climate pollution, river ice is forming later and thinner, breaking up earlier and more often, and increasing rain and flooding are causing water to accumulate in large pools of overflow. As a result, Summer is increasingly prevented from even accessing the rivers. Lack of snow, flooding, freezing rain, and unstable ice conditions brought on by climate pollution also make travel and hunting during the winter more

difficult and dangerous. Summer increasingly must travel by different and more difficult trails for subsistence activities and is increasingly prevented from being able to go out altogether. Loss of sea ice and thinner sea ice resulting from climate pollution also makes hunting for seals increasingly difficult and dangerous. Community members used to be able to travel across the sea ice by snow machine from village to village, but it is no longer safe to do so.

21. Climate pollution increases heat, precipitation, and extreme weather events, which disrupt preparation and storage of subsistence foods. Summer and her family have already had racks of fish ruined by extreme weather. Summer's family used to use an underground cellar to preserve subsistence foods, but they can no longer use these traditional methods because the land is not frozen anymore, and it is not cold enough to preserve the food.

22. Learning, practicing, and transmitting her Inupiaq heritage and traditions is deeply important to Summer. Climate pollution threatens Summer's ability to learn, practice, and transmit these traditions because traditional knowledge, understandings, and practices increasingly no longer align with changing climate patterns, conditions, ecology, harvest timings, and animal migration patterns. Conditions are changing rapidly because of climate pollution, threatening the ability for traditional knowledge and practices to adapt. Climate pollution is also interfering with Summer's hopes and plans to have children of her own to whom she can transmit her Inupiaq culture and traditions. Summer has always wanted to have children but does not want to put children in peril by bringing them into a world that is not safe for them. As climate pollution continues and the harms of climate change increase, her hopes and plans to have children are withering.

23. Unalakleet sits between the ocean and an arm of the Unalakleet River and is extremely vulnerable to climate pollution-induced flooding that can trap the village's residents. As a result of climate pollution, sea ice in the region is forming later and thinner and breaking up earlier and faster, sea levels are rising, and permafrost is thawing, leaving Unalakleet vulnerable to increasing storms surges that flood the village and wash away more of its land each year. River flooding is also increasing because of the increased rain that the region receives, as well as the earlier and more rapid melting of snow and ice, all resulting from climate pollution. The thawing permafrost and flooding continue to erode the riverbank. Unalakleet placed a wall of boulders along its coastline and the mouth of the river to buffer against erosion, storm surges, and rising ocean levels, but flooding events continue to push the boulders out into the ocean and river mouth and wash away the land. Many residents must be evacuated from their homes to higher elevation during these climate pollution-induced storms and flood events. Summer's house sits within a quarter mile of the ocean on one side and several hundred feet of the river on the other and is threatened by these climate pollution-induced threats. In 2022, during Typhoon Merbok, which was fueled by unnaturally warm waters, Summer and her family had to evacuate their home and sleep in an unfinished house. The flood waters nearly inundated roads built ten feet above the tundra. As climate pollution continues to grow, Unalakleet is rendered more and more vulnerable as more land will be washed away with extreme storm events. rising tides, and floodwaters. The risk of flooding to Summer and her community increases with increasing climate pollution.

24. Summer also has extensive family in Shaktoolik, where she often visits and considers her second home. Sea level rise, loss of protective sea ice, thawing permafrost,

and increasing storms, all brought on by climate pollution, are also causing extensive flooding and rapid coastal erosion in Shaktoolik, threatening Summer's health and safety and the health, safety and continuing culture of her family and community there.

25. The thawing of permafrost brought on by climate pollution is harming Summer. Subsidence from permafrost thaw has already caused a large and widening crack to form in Summer's house, leaving part of her home off level.

26. Climate pollution threatens Summer's water security and sanitation needs. Storm surge, loss of sea ice, and permafrost thaw brought on by climate pollution endanger the water transmission line servicing Summer's family and other residents of Unalakleet as well as their sewer infrastructure.

27. Summer is harmed by the increase in wild forest and tundra fires caused by climate pollution. The growing number of wildfires resulting from climate pollution are increasingly filling the air in Unalakleet with smoke, exposing Summer and other village residents to dangerous air quality. In 2019, a large fire came within approximately 10 miles of the village and resulted in smoke conditions so thick that Summer developed a cough from exposure. Just miles outside of Unalakleet, Summer has seen first-hand the increasing numbers of spruce beetles brought on by increasing temperatures from climate pollution that are killing the forests where she and her community hunt and trap, leaving the forests at further risk of wildfire.

28. Summer is harmed by the lengthening and worsening pollen season resulting from increasing temperatures brought on by climate pollution because she experiences seasonal allergies that are becoming more severe each year. Last summer,

Summer's allergies were so bad that she experienced inflammation and chills, was unable to breathe out of her nose for two weeks, and temporarily lost her sense of smell and taste.

29. All of Summer's injuries, to her food sources, her culture and traditions, her family, and her home, also harm Summer's emotional and mental health and wellbeing. Experiencing the harms of climate pollution to her health, safety, food, culture, and community cause Summer to experience deep feelings of fear, dread, and hopelessness. Summer also experiences harm to her emotional and psychological health and wellbeing anticipating increasing future harms as the effects of climate pollution worsen. When Summer thinks about the climate crisis worsening from more climate pollution, she fears for her health and safety; for her ability to access subsistence resources; for her ability to learn, practice, and transmit her culture; and for the future and continuing existence of her Native culture, communities, and home.

30. Since 2017, Summer has been pursuing vindication of her constitutional rights for her injuries from the State's continuing contributions to the climate crisis.

31. Youth Plaintiff **Ch'eelil Iiná Tchegeownta P.** is 17 years old and is represented in this action by her guardian and mother, Enei P. Ch'eelil lives in Fairbanks and is Diné and Neets'aii Gwich'in, with traditional homelands in Arctic Village, where she often stays visiting family. Ch'eelil's Gwich'in culture and traditions are inextricably tied to the land and to the wild flora and fauna on which her people have relied to sustain their lives, health, and cultural traditions and practices since time immemorial. Caribou and salmon are of particular importance for the subsistence practices and cultural traditions of the Gwich'in people. In keeping with her ancestral traditions, Ch'eelil, her family, and her community rely on subsistence hunting and gathering to sustain their lives, health, and

cultural traditions. Ch'eelil also practices traditional beadwork and enjoys learning traditional Gwich'in songs. Climate pollution is already harming and threatening Ch'eelil's health and safety, her access to subsistence resources, and her ability to learn, practice, and transmit her cultural traditions and heritage. The substantial climate pollution of the Alaska LNG Project would increase and worsen these harms and cause additional harms to Ch'eelil.

32. A substantial portion of Ch'eelil's diet comes from her and her family's subsistence fishing, hunting, and foraging. Access to traditional subsistence foods is important to Ch'eelil's mental and physical development, to sustain her life and health, and to her culture and identity. Ch'eelil fishes for salmon and pike, hunts for caribou, and forages for berries. She also relies on the fish and game her family harvests. Climate pollution has already substantially harmed and limited Ch'eelil's access to traditional subsistence resources and continuing climate pollution increasingly threatens her ability to provide for her subsistence and to learn, practice, and pass on her subsistence traditions. For instance, Ch'eelil has been growing up fishing for Chinook salmon on the Yukon River as an important part of her family and cultural traditions. However, with increasing water temperatures, ocean acidification, and other dangers resulting from climate pollution, Yukon River Chinook populations have crashed, leading to restrictions on subsistence fishing. Yukon Chinook harvest levels have not met subsistence needs since 2008 and, for the past three years, the river has been closed to Chinook subsistence fishing entirely, cutting off Ch'eelil and her family from an important subsistence resource that has been integral to Native traditions and culture for millennia. Similarly, climate pollution threatens the caribou on which the Gwich'in people, including Ch'eelil and her family, have relied

since time immemorial. Climate pollution is altering caribou habitat, disrupting caribou's access to food, changing migration patterns, and increasing mortality events and population declines. Climate pollution is also making Ch'eelil's ability to engage in subsistence activities more difficult and dangerous. For instance, increased flooding resulting from climate pollution threatens Ch'eelil's family cabin at their fish camp on the Yukon River, where she learns important subsistence practices. One year, flooding inundated the cabin, causing property damage and disrupting important family and cultural traditions.

33. Ch'eelil is harmed by the increase in the frequency and severity of wildfires in Alaska brought on by climate pollution. In 2020, destructive wildfires reached so close to Ch'eelil's house that she and her family were notified by authorities to pack their bags and prepare to evacuate. The increase in the length of the wildfire season, number of wildfires, and extent of area burned also harm and endanger Ch'eelil's health and safety because they expose her to hazardous wildfire smoke. Ch'eelil has already experienced wildfire smoke at levels that make it unsafe to even go outdoors.

34. Ch'eelil is harmed by the lengthening and worsening pollen season resulting from climate pollution because she experiences seasonal allergies that are becoming more severe each year and that cause her to experience inflammation and redness in her eyes, congestion, sneezing, and headaches.

35. Ch'eelil enjoys basketball, soccer, swimming, snowboarding, sledding, and other outdoor activities to get the exercise she needs for her health and development. However, increasing temperatures brought on by climate pollution are making it increasingly dangerous for Ch'eelil to participate in outdoor sports. For instance, Ch'eelil has experienced extreme high temperatures during soccer events, during which she has

experienced dizziness, weakness, and heat exhaustion. Increasing temperatures, lack of snow, increased winter rain, and shortening winters, all resulting from climate pollution, are reducing her ability to participate in winter outdoor recreational activities, like snowboarding, and resulting in increasing hazardous conditions that are making them more dangerous.

36. The ongoing worsening of the climate crisis is also harming Ch'eelil's emotional and mental health. She experiences deep feelings of loss, sadness, and anger because of the injuries she is already experiencing and because of what more climate pollution will mean for her future. With the threats to her health, safety, culture, and future mounting with every day of continuing climate pollution, the burden of having to fight to protect herself, her family, and her community from the harms of the climate crisis often weighs on Ch'eelil so heavily that she is unable to focus on just living her life as a teenager, planning for her own personal goals, or fulfilling her own personal dreams. Ch'eelil feels betrayed by Alaska's government for sacrificing her future and the futures of succeeding generations for the short-term profits of the fossil fuel industry. Ch'eelil has always wanted to have a family of her own. She wants to be able to continue to experience and rely on caribou, salmon, and other subsistence resources to sustain her life, health, and culture and for her children to share in those traditions. However, because of continuing climate pollution, Ch'eelil questions whether she should bring children into a world of worsening climate harms, something prior generations did not have to contemplate.

37. Youth Plaintiffs **Cecily S.** (age 14) and **Lila S.** (age 11) are siblings who live in Homer, Alaska. They are represented in this action by their guardians and parents Bob S. and Miranda W. Because of the escalating impacts of climate pollution in Alaska,

Cecily and Lila are already experiencing harms to their health, safety, family traditions, and their access to the natural resources on which they rely. The substantial climate pollution that would result from the Alaska LNG Project would increase and worsen these harms and cause additional harms to Cecily and Lila.

38. As an important part of their family culture and traditions, Cecily and Lila fish with their family for coho and sockeye salmon, halibut, and other fish; forage for berries, seaweed, mushrooms, and other fauna; and grow vegetables in their family garden. They also eat crab their family catches in Kachemak Bay. They rely on the fish they catch and the flora they gather and grow as part of their diet to sustain their lives and health. An important part of their diet relies on the bounty of their local lands and seas, including salmon, pacific cod, black cod, crab, and shrimp.

39. Cecily and Lila's ability to access and depend on the wild flora and fauna of Alaska to sustain their lives, health, safety, and family traditions is endangered by climate pollution. The species on which Lila and Cecily rely to sustain their diets are already being harmed and face significant threats from warming temperatures, ocean acidification, and other harms from climate pollution. The Pacific cod population in the Gulf of Alaska has already crashed; warming marine waters have led to steep population declines and, as a result, the fishery was closed in 2020 and a federal disaster declared in 2022. Halibut populations have also already substantially diminished and Pacific halibut habitat is projected to decrease by around 50% by 2100 because of climate pollution. Warming temperatures have already caused massive salmon die-offs, restrictions, and emergency fishery closures in Alaska. Cecily and Lila and their family are already having difficulty accessing and harvesting species on which they rely and meeting their harvest

needs. The oceans absorb most of the excess heat trapped by climate pollution and will heat more as more climate pollution enters the atmosphere.

40. Cecily and Lila's family used to dig for clams and harvest mussels in Kachemak Bay and Lower Cook Inlet, but their ability to harvest and eat shellfish is threatened by and has already been affected by climate pollution. Warming ocean temperatures brought on by climate pollution create favorable conditions for harmful algal blooms that contaminate shellfish. Consuming shellfish contaminated by harmful algal blooms can result in paralytic shellfish poisoning, a serious illness that can be fatal to humans. Because of the increased risk of paralytic shellfish poisoning resulting from climate pollution, Cecily, Lila, and their family no longer dig for clams and harvest mussels like they used to.

41. Cecily and Lila's health and safety are at increasing risk from wildfires and exposure to wildfire smoke in Alaska because of climate pollution. As temperatures increase with continuing climate pollution, dry conditions become more prevalent, and spruce bark beetle infestations driven by warming temperatures increasingly transform stands of forest around Homer and other areas of Alaska into fuel for increasing wildfires. In Cecily and Lila's community in Homer, because of climate pollution, the average number of wildfire danger days per year is expected to increase by over 25% for the period between 2021 and 2050 compared to 1971-2000, and by over 80% for nearby areas. Cecily and Lila have already experienced harms from wildfires and exposure to wildfire smoke. In 2019, smoke from Alaska's wildfires was so thick that it was unsafe for Lila and Cecily to even be outdoors. The smoke was so hazardous that Lila and Cecily's school required students to stay indoors during recess over multiple days. With wildfires increasing in

frequency and size because of climate pollution, exposure to smoke in Alaska is expected to increase by 100% or more by mid-century, causing increasing harm and endangerment to the lives, health, and safety of Alaska's youth, including Lila and Cecily.

42. As climate crisis intensifies with continuing climate pollution, Lila and Cecily's community in Homer is projected to experience increasingly prevalent extreme drought conditions, causing water shortages and threatening water security. Because of climate pollution, for the period from 2021 to 2050, Homer is expected to experience extreme drought about twenty percent of the time, a 400% increase compared to 1971-2000.

43. Cecily and Lila enjoy skiing, sledding, ice skating, playing in the snow, and other winter activities to obtain the exercise they need for their physical and mental health and development. However, their ability to participate in these activities is being harmed and threatened by increasing temperatures, shorter snow seasons, reduced snowpack, and precipitation increasingly falling as rain instead of snow, all because of climate pollution. Cecily and Lila have already experienced winters with temperatures and reduced snow that have impaired their ability participate in outdoor winter recreational activities and get the exercise they need for their health and development. Many winters, they have often been unable to go skiing and sledding due to lack of snow and one year they were unable to go ice skating at all because there was not enough ice on the lakes.

44. The ongoing worsening of the climate crisis from continuing climate pollution is also threatening and disrupting Lila and Cecily's family culture and traditions and harming their emotional and mental health. Cecily and Lila derive solace from and feel a deep sense of connection with the landscapes, waters, and wildlife in which they live and

on which they rely to sustain their health and safety. Fishing and foraging for the food that sustains them, skiing, going on hiking and camping trips, and observing local glaciers and wildlife together is important for sustaining their physical and mental health and to their family cohesion, culture, and traditions. Climate pollution is increasingly harming and threatening their ability to engage in these activities, both as individuals and as a family, and they are witnessing devastating harms to the ecosystems on which they rely. For instance, in recent years, climate pollution-driven marine heatwaves in the Gulf of Alaska caused massive die-offs of common murres and triggered an epidemic of sea star wasting disease that killed virtually all of the sea stars in Kachemak Bay. Walking along the beach, Cecily and Lila found dead murres every ten feet. At remote cabins and camping spots where they always enjoyed seeing sea stars, the sea stars were almost entirely gone and the few that remained were mushy, sick, and disfigured. Experiencing firsthand the devastating impacts of climate pollution on the local ecosystems on which they rely, and anticipating increasing future harms as more climate pollution worsens these conditions, causes Lila to experience deep feelings of sadness and anger and Cecily to experience feelings of depression.

45. Since 2017, Cecily and Lila have been pursuing vindication of their constitutional rights for their injuries from the State's continuing contributions to the climate crisis.

46. Youth Plaintiff **Carrie Dock** is a 19-year-old resident of Kipnuk and goes by her Yup'ik name, Cauyaq. Cauyaq and her community in Kipnuk live according to the traditions and rhythms of their Native Yup'ik heritage, practicing subsistence hunting, fishing, and gathering. In keeping with the practices of her ancestors, who have inhabited

the region for thousands of years, Cauyaq, her family, and community rely on the stability and bounty of the lands and waters surrounding Kipnuk to sustain their lives, health, and cultural traditions. Climate pollution is already harming Cauyaq's health and safety, her cultural traditions and heritage, her ability to provide for her subsistence, and her access to the vital natural resources on which she depends. The substantial emissions of the Alaska LNG Project would increase and worsen these harms and cause additional harms to Cauyaq.

47. Cauyaq's community of Kipnuk is nestled along the banks of the Kugkaktlik River. The name "Kipnuk" means "a bend in the river," and refers to where the village is located. Because of the loss of protective sea ice, thawing permafrost, and increasing extreme precipitation events, storm surges, and flooding brought on by climate pollution, Kipnuk is experiencing accelerated erosion and land loss from its riverbanks, threatening the community and the critical infrastructure on which Cauyaq depends. Every year, Kipnuk loses more and more riverbank. Buildings and other infrastructure that used to be hundreds of feet from the bank are now less than twenty feet away. In 2009, the U.S. Army Corps of Engineers determined that the riverbank was eroding at a rate of six to nine feet per year. The rate of erosion is accelerating as climate pollution continues. Between 2019 and 2023, areas of the riverbank in Kipnuk eroded as much as 113 feet. The community has previously placed barriers along sections of the river to fortify the banks against erosion, but they have largely failed and been eroded away. The erosion has already reached several buildings, consumed land where houses used to stand, eaten up boardwalks, and currently threatens multiple houses, Kipnuk's barge landing, power

generation facility, and its bulk fuel tank, which already had to be moved previously due to river erosion.

48. The permafrost underlying Kipnuk is thawing because of climate pollution, accelerating erosion, causing land subsidence, sinking and shifting homes and buildings, damaging and destroying infrastructure, and rendering the community more susceptible to flooding as its elevation lowers. Because of the permafrost thaw that has already occurred, the ground underlying Cauyaq's home has shifted, and part of her house has come off from its foundation. The posts supporting Cauyaq's aunt's home, where Cauyaq also often stays, are already under water because of thawing permafrost. When Cauyaq was younger, the posts rested on the tundra, but every year the posts and the house sink lower as the permafrost thaws. Thawing permafrost also threatens infrastructure that Cauyaq and her community rely on. For instance, land subsistence from thawing permafrost caused a big ditch to form in the airport runway, which Cauyaq and other community members rely on for travel, shipments of food, medicine, and other supplies, and evacuations for medical emergencies.

49. Loss of protective sea ice, increasing precipitation and storms, sea level rise, storm surge, and more rapid and earlier melting and breakup of snow and river ice, all brought on by climate pollution, are leading to increasing flooding events in Kipnuk. The flooding accelerates river erosion, damages homes and critical infrastructure, harms subsistence resources, and threatens life, health, and safety. During one flooding event in 2016, the waters nearly came through the floor at Cauyaq's aunt's home, where Cauyaq was staying, and they were trapped in the house, surrounded by water without access to higher ground. The flood waters swept the boardwalk connecting her aunt's home away.

The water came so close to flooding the house that they could hear the water trickling underneath. In 2022, Typhoon Merbok brought waves over 35 feet, storm surge, flooding, and wind gusts of up to 70 miles per hour for 12 hours. The water surge in Kipnuk was so strong that it tipped over Cauyaq's family's four-wheeler on the boardwalk and almost swept her aunt and brother away.

50. As climate pollution brings increasing temperatures and exacerbates dry conditions, tundra fires in Alaska are becoming more frequent and burning more area, including in Kipnuk and surrounding areas, threatening communities, destroying habitat, and bringing wildfire smoke that harms health and safety. In 2019, extensive tundra fires burned in the area and filled the air in Kipnuk with smoke.

51. The increasing temperatures and exacerbation of drought conditions brought on by climate pollution also threaten Cauyaq's and her family's water security. Cauyaq's family relies on a rain catchment system to supply their water needs. During the hot and dry conditions in 2019, their catchment system ran dry and they had to travel by boat over a mile to gather water to meet their basic needs.

52. Cauyaq relies on the wild flora and fauna in the lands and waters surrounding Kipnuk for subsistence to sustain her life, health, and carry on her cultural traditions. Cauyaq fishes for herring, salmon, halibut, whitefish, and other species; gathers herring eggs, shellfish, berries, roots, greens, and medicinal plants; and hunts for birds to sustain herself, her family, and her community. She also relies on the seal, walrus, caribou, moose, and other mammals and fish, game, and fauna that her family and community hunt and gather. Cauyaq relies on subsistence foods for approximately 95% of her diet. Cauyaq and her community's ability to engage in subsistence activities and provide for their

subsistence needs is already harmed by climate pollution. Climate pollution is harming the abundance, distribution, and health, and threatening the continuing existence of many of the species Cauyaq and her village rely on for subsistence. Climate pollution is also making Cauyaq's and her community's ability to engage in subsistence activities more difficult and dangerous. Lack of snow; later freezing and earlier melting of river, lake, and sea ice; thinner and less predictable ice stability; flooding; increasing severe weather; and other climate disruptions brought on by climate pollution prevent and make travel and access to subsistence resources increasingly difficult and hazardous. Increasing precipitation and extreme weather events brought on by climate pollution also disrupt preparation and storage of subsistence foods. Cauyaq and her family have already had racks of fish ruined by extreme weather. Cauyaq's family also uses underground freezers to store traditional subsistence foods, like seal oil. As the ground warms and permafrost thaws with continuing climate pollution, it can no longer provide safe food storage and their freezers flood with water, spoiling food, and threatening their traditions and food security.

53. Cauyaq is experiencing harm to her emotional and psychological health and wellbeing because of the ongoing worsening of the climate crisis brought on by climate pollution. Experiencing the harms of thawing permafrost, land loss, and flooding in Kipnuk, and other harms to her health and safety, culture, and community causes Cauyaq to experience deep feelings of fear and worry. Cauyaq also experiences harm to her emotional and psychological health and wellbeing anticipating increasing future harms as climate pollution continues and climate conditions worsen. Cauyaq worries that if climate pollution continues, her community and culture in Kipnuk will "go extinct."

54. Youth Plaintiff **Linnea Lentfer** is 20 years old and is a permanent resident of Gustavus, Alaska. Because of the escalating impacts of climate pollution in Alaska, Linnea is already experiencing harms to her health, safety, traditions and identity, and her access to the natural resources on which she relies. The substantial climate pollution that would result from the Alaska LNG Project would increase and worsen these harms and cause additional harms to Linnea.

55. Linnea was born and raised in Southeast Alaska. Linnea's lifestyle, family history, and identity are deeply entwined with the local ecosystem and natural resources on which she relies to sustain her life and health. Approximately 50% of Linnea's diet in Alaska comes from fishing, hunting, foraging, and her family garden. Among the numerous species that make up her diet are deer, moose, coho and sockeye salmon, halibut, black cod, berries, and many others. Climate pollution is rapidly altering the ecosystems and harming the wildlife Linnea depends on, threatening her ability to continue to provide for her sustenance and her ability to pass on her traditions to future generations of her family.

56. Linnea fishes for coho and sockeye salmon, which she depends on as an important part of her diet and culture. Climate pollution endangers the salmon on which Linnea depends through the warming and acidification of Alaska's oceans and the warming of Alaska's freshwaters, threatening salmon populations and the food sources on which they rely, and resulting in changes to salmon migration patterns and timing. Changing precipitation patterns, increased rain, and increased glacial and snowmelt resulting from climate pollution further endanger salmon with increased stream turbidity and runoff. Increasing temperatures in Alaska's waters have already caused massive die-offs of salmon and emergency closures of entire fisheries. Linnea is already experiencing increasing

difficulty fishing for salmon in local waters and meeting her salmon harvest needs due to the effects of increasing temperatures and ocean acidification resulting from climate pollution. In 2023, Linnea was unable to harvest enough sockeye salmon to meet her harvest needs.

57. Linnea also relies on Sitka black-tailed deer for sustenance, but climate pollution is making her ability to access this critical food source increasingly difficult. Climate pollution-induced heating and changing precipitation patterns are making the timing of the rutting season increasingly unpredictable, changing migration patterns, and making it increasingly more difficult to find and harvest deer in traditional areas.

58. The water sources on which Linnea and her family rely are threatened by the exacerbation of drought conditions in Southeast Alaska from climate pollution-induced heating. In 2019, as a result of climate pollution-fueled drought conditions, Linnea and her family lost access to their freshwater drinking source when their cistern ran dry and had to bucket water from their neighbor's house to access water for their basic needs.

59. From a young age, Linnea has treasured memories of planting vegetables with her father and harvesting crops each year. Increasingly hotter and drier conditions brought on by climate pollution threaten Linnea's ability to raise crops for her sustenance. Warmer and drier conditions resulting from climate change have required Linnea's family to use more water to keep their plants alive. As a result of the extreme climate pollution-fueled drought conditions in Southeast Alaska in 2019, the water source Linnea's family uses to water their garden ran dry, all of their greens dried out, and they had to find an alternative water source to maintain their garden.

60. The increasing temperatures and changing precipitation patterns brought on by climate pollution in Southeast Alaska increase Linnea's risk of exposure to landslides. Recent landslides have already resulted in destruction of property and loss of life in communities near Linnea's.

61. Linnea enjoys skiing to obtain the exercise she needs for her physical and mental health and development. Increasing temperatures, shorter snow seasons, and more precipitation falling as rain, all brought on by climate pollution, mean that Linnea is able to go skiing increasingly less often. When Linnea is able to go skiing, climate pollution is increasingly resulting in hazardous conditions that are making it more dangerous and difficult for Linnea to get the exercise she needs for her health and development.

62. Southeast Alaska's unique landscapes and wildlife are integral to Linnea's sense of identity, which is deeply rooted in her connection to and reliance on the local lands and ecosystem to sustain her life and health. Linnea enjoys observing Southeast Alaska's glaciers and frequently visits Glacier Bay National Park and other glaciated areas in Southeast Alaska, but, due to climate pollution, nearly all the glaciers are retreating. Linnea also enjoys observing all the species that make up the rich and unique ecosystem of Southeast Alaska in their natural habitats. Humpback whales are particularly important to Linnea. However, climate pollution is threatening the continuing habitability of Southeast Alaska for these whales and many other species. Climate pollution caused record-high ocean temperatures between 2014-2016, forming a mass of warm water known as "the Blob" that decimated marine wildlife and drastically reduced Southeast Alaska's humpback whale populations. The Blob also killed over a million seabirds, including thousands of common murres. Linnea experiences deep emotional pain and grief knowing

that if climate pollution continues, it will make the lifestyle on which she was raised increasingly impossible. Observing the devastating impacts of climate change on the local landscape, ecosystem, and wildlife that are already occurring, and knowing that these impacts will only increase with continuing climate pollution, causes harm to Linnea's sense of identity and causes her to experience deep grief and worry for her health, safety, future, and the future of the lands, ecosystems, and wildlife on which she relies for sustenance and with which her sense of identity is inextricably intertwined.

63. Since 2017, Linnea has been pursuing vindication of her constitutional rights for her injuries from the State's continuing contributions to the climate crisis.

64. Youth Plaintiff **Bay W.** is 14 years old and resides in Southeast Alaska. Bay lives in Juneau, Alaska during the school year and spends his summers and other school breaks in Gustavus, Alaska. Bay is represented in this action through his guardian and father, Miller W. Because of the escalating impacts of climate pollution in Alaska, Bay is already experiencing harms to his health, safety, traditions and identity, and his access to the natural resources on which he relies. The substantial climate pollution that would result from the Alaska LNG Project would increase and worsen these harms and cause additional harms to Bay.

65. Hunting and fishing is an important part of Bay's family history and traditions, and Bay relies on them to sustain his life and health. The vast majority of meat in Bay's diet is from hunting and fishing, which he calls his "Alaska diet." Bay and his family fish for salmon, halibut, and other fish and hunt for deer, moose, and other game. They also forage for berries and other flora and maintain a vegetable garden.

66. Fishing for salmon is an integral part of Bay's diet. However, Bay's ability to access salmon for his sustenance is substantially endangered by climate pollution. Increasing water temperatures, droughts exacerbated by warming temperatures, ocean acidification, changing precipitation patterns, and other effects of climate pollution are changing Alaska's salmon migration patterns and timing and threatening their abundance, health, and continuing availability for present and future generations of Alaska's youth, including Bay.

67. Climate pollution also threatens Bay's ability to access game to sustain his life and health. Warming temperatures brought on by climate pollution are resulting in changes to habitat range and changing game migration patterns, causing deer and moose to remain in the high country later in the season and making it more difficult to find and harvest them during hunting season. Climate pollution also increases the risk of parasites and vector-borne diseases to game species. As winters grow shorter, massive tick populations are moving north and west toward Southeast Alaska, devastating game populations.

68. In addition to hunting and fishing, Bay and his family grow their garden in the summer and put away potatoes, beats, beans, tomatoes, peas, cucumbers, carrots, squash, and other produce for the winter. They also forage for nettles, mushrooms, berries, and other wild plants. Increasingly, unpredictable weather patterns brought on by climate pollution, including unseasonable early warmer weather and late cold snaps, have diminished Bay's family's vegetable crop yields as well as yields of wild flora, like blueberries, on which they depend. Increasing extreme weather events brought on by

climate pollution also make it more difficult for Bay and his family to access and secure fish and game.

69. Climate pollution threatens Bay and his family's water security. The water sources he and his family depend on for drinking water in Gustavus are threatened by the exacerbation of drought conditions from climate pollution-induced warming. In 2019, during a prolonged climate-fueled extreme drought, Bay's family's cistern dried up entirely, cutting off their access to their freshwater drinking source. Bay's family had to travel to bring home water in gallon jugs just to be able to continue to be able to drink and prepare food.

70. The increasing heavy rains, changing precipitation patterns, and warming brought on by climate pollution threaten Bay, his family, and their communities with increased risks of flooding, avalanches, and landslides. Increasing rainfall brought on by climate pollution has caused the Gustavus River to flood over its banks into surrounding neighborhoods, carving new drainages, and damaging property. Warming temperatures, changing precipitation patterns, and increasing rainfall from climate pollution is also leading to increased danger of avalanches and landslides in Southeast Alaska. Bay's house in Juneau is in an area that is at increased risk from the elevated dangers of climate pollution-induced avalanches and landslides. Areas nearby to Bay's home have had to evacuate due to increased avalanche dangers and, during periods of increased rainfall, landslides have occurred near Bay's home, damaging homes and causing disruptive power outages for Bay and his family. At least one nearby home has been destroyed by a landslide during a period of heavy rainfall.

71. Bay participates on a Nordic ski team and enjoys alpine and backcountry skiing, activities he relies on for the exercise he needs for his health and development. However, changing precipitation patterns, warming temperatures, and shorter snow seasons brought on by climate pollution are increasingly restricting Bay's ability to participate in these activities. The ski season is increasingly starting later and closing earlier due to lack of suitable and safe conditions. In recent years, Bay's Nordic ski team has been forced to conduct extended dry land practices late into the season because of lack of snow. Areas where Bay enjoys skiing are increasingly unsafe to access throughout longer periods of the season, like Mendenhall Lake, which is increasingly inaccessible due to lack of adequate ice cover. When Bay is able to go skiing, climate pollution is increasing hazardous conditions that make it more dangerous. For instance, warming temperatures and changing precipitation patterns increase the risk of avalanche activity in the Alaska alpine. Bay has already noticed an increase in avalanche activity in areas where he goes skiing.

72. Bay's identity and family traditions are deeply rooted in connection to and reliance on the landscapes and natural resources of Southeast Alaska, which he depends on to sustain his life and health. Bay experiences a deep sense of worry and sadness about, and is sometimes unable to sleep because of, how climate change is affecting his life and how the effects on his life will worsen if climate pollution continues.

73. Youth Plaintiff **Jamie T.**, whose Yup'ik names are Qasqanayuk and Aluarryaq, is a 17-year-old resident of Akiuk, Kasigluk. Jamie is represented in this action by her guardian and mother, Bertha T. In keeping with the traditions and practices of her Yup'ik ancestors, who have inhabited the area for thousands of years, Jamie, her family,

and her community rely on the lands, waters, and wildlife of the region to provide for and sustain their lives, health, safety, and cultural traditions and practices. Climate pollution is already harming Jamie's health and safety, her cultural traditions and heritage, her ability to provide for her subsistence, and her access to the vital natural resources on which she depends. The substantial climate pollution that would result from the Alaska LNG Project would increase and worsen these harms and cause additional harms to Jamie.

74. Jamie's family's home and her safety within it are significantly threatened by climate pollution. Kasigluk is located on the banks of the An'arciiq, or Johnson, River. The community is built on permafrost that has provided stability to the riverbank and the land on which the community is built for generations. However, the thawing of permafrost, loss of protective sea ice, and increasing extreme precipitation events, storm surges, and flooding brought on by climate pollution are causing accelerated erosion and land loss from Kasigluk's riverbank, threatening homes and other structures on which Jamie and her community rely. Jamie's house used to be separated from the river by eighty feet of land, but climate pollution-driven erosion has taken so much soil that the river now flows underneath her porch, kitchen, and part of the living room. With every additional ton of climate pollution, temperatures will rise, Kasigluk will lose more and more riverbank every year, and the river will encroach farther underneath Jamie's house.

75. The thawing of permafrost from climate pollution is also causing Jamie's house to sink into the tundra, sinking and shifting other homes, and damaging and threatening infrastructure on which she, her family, and her community rely. Jamie's house has sunk more than a foot in the last ten years. Her family has tried leveling the house several times, but it continues to sink as the permafrost thaws with continuing climate

pollution. For generations, Kasigluk used a system of hard-packed dirt paths to connect the community's buildings. However, because of thawing permafrost, the ground has become swampy, the paths can no longer be used, and the community had to build a system of boardwalks. When the boardwalks were put in a decade ago, Jamie would step down from her house onto the boardwalk. Now, her house has sunken so much that she has to step up from the house onto the boardwalk. On multiple occasions, Jamie has felt the house suddenly shift and drop underneath her as it settles into the softening ground. Other buildings in Kasigluk have already sunken completely into the tundra and some homes have had to be abandoned. As the permafrost thaws and the land shifts and subsides, the boardwalks Jamie relies on to travel within the community and get to school have also become slanted, broken, and dangerous.

76. Loss of protective sea ice, increasing precipitation and storms, sea level rise, storm surge, and more rapid and earlier melting and break up of snow and river ice, all brought on by climate pollution, are leading to increasing flooding in Kasigluk. The flooding damages and threatens Jamie's home, her health and safety, and her access to subsistence resources. The flooding also accelerates the permafrost thaw and riverbank erosion that threaten Jamie's home. In turn, as the ground in Kasigluk subsides with the thawing of permafrost and Jamie's home and other structures in Kasigluk sink lower, Jamie and her community are rendered even more susceptible to flooding. In high water, Jamie's house becomes a near island, with waters encroaching from the river in front and underneath and from tundra ponds in the back. When the waters rose last spring, part of Jamie's house flooded and she could hear waves crashing and knocking lumber underneath the house for weeks.

77. Destructive winds from increasing extreme storms brought on by climate pollution also threaten Jamie, her home, and her ability to provide for her subsistence. In 2022, winds from Typhoon Merbok ripped part of the roof off of Jamie's porch and tore a portion of the roof off of her family's smokehouse. Destructive winds have also damaged her family's fish racks.

78. In accordance with traditional Yup'ik practices, Jamie's family harvests ice from local lakes to thaw for drinking water. Climate pollution threatens this water supply because increased flooding contaminates lakes with runoff and debris. In 2022, the marsh lakes Jamie's family harvests ice from were flooded from Typhoon Merbok and they had to travel to look for uncontaminated ice at higher elevation.

79. Jamie's health, safety, and access to subsistence resources are threatened as wildfires are becoming more frequent and severe in Alaska because of climate pollution, including in the Kasigluk region. Wildfires threaten homes and communities, destroy habitat, and bring wildfire smoke that harms health and safety. Jamie has already been exposed to smoke from wildfires in Kasigluk.

80. Jamie engages in traditional subsistence practices, makes traditional clothing, and performs traditional Yup'ik songs and dances. Learning, practicing, and transmitting her Native heritage and traditions are deeply important to Jamie. However, climate pollution gravely threatens Jamie's ability to learn, practice, and transmit these traditions. Since time immemorial, elders have passed down traditional knowledge of cultural practices based on the climate, conditions, lands, waters, animals, and plants around Kasigluk. Climate pollution threatens that cultural transmission and practice because traditional knowledge, understandings, and practices increasingly no longer align

with pollution-altered climate patterns, conditions, ecology, harvest timings, and animal migration patterns. Conditions are changing rapidly due to continuing climate pollution making it increasingly difficult for traditional knowledge and practices to adapt. Climate pollution also affects Jamie's cultural heritage by disrupting her ability to visit the resting places of her ancestors. Because of sinkholes and unstable ground from thawing permafrost, the cemetery in Akiuk where many of Jamie's ancestors are buried is no longer safe to maintain or visit. If climate pollution continues, it increases the likelihood of the cemetery being lost without hope of recovery.

81. Jamie relies on the wild flora and fauna in the lands and waters surrounding Kasigluk for subsistence to sustain her life, health, and carry on her cultural traditions. To sustain herself, her family, and her community, Jamie fishes for king, sockeye, and chum salmon, whitefish, pike, and other fish; she gathers berries, wild celery, sour docks, and other plants; and hunts for birds and moose. She also relies on the seal, walrus, and other fish, game, and fauna that her family and community hunt and gather. Jamie relies on subsistence foods for approximately 75% of her diet. Jamie's and her community's ability to engage in subsistence activities and provide for their subsistence needs is already harmed by climate pollution. Climate pollution is harming the abundance, distribution, and health, and threatening the continuing existence of many of the species Jamie and her village rely on for subsistence. For instance, as warming waters and other climate pollution-induced changes have caused massive die-offs and historically low numbers of salmon in the Kuskokwim River, Jamie and her family have not been able to catch enough salmon to meet their subsistence needs for several years.

82. Climate pollution is also increasingly preventing and making Jamie's and her community's ability to engage in subsistence activities more difficult and dangerous. Jamie's community has relied on the stability of the land and dependable snow cover and ice for travel and access to subsistence resources for generations. However, later snowfall and earlier snowmelt; thawing permafrost; later freezing and earlier melting of river, lake, and sea ice; thinner and less predictable ice stability; flooding; increasing severe weather; and other climate pollution-induced changes prevent and make travel and access to subsistence resources increasingly difficult and hazardous. For instance, with snow melting earlier and the tundra no longer firm due to thawing permafrost, Jamie and her community are increasingly unable to utilize trails and travel over land to access game, fish, and other subsistence resources. Thawing permafrost and riverbank erosion are also making the waterways around Kasigluk more difficult and dangerous to access and shallower, limiting navigation and access to subsistence resources. Thawing permafrost also results in the draining of high tundra lakes and creates sinkholes throughout the tundra that impede and make travel more dangerous. One lake that Jamie's family relied on for moose hunting has already completely disappeared. Later freezing and earlier melting of river, lake, and sea ice prevents ice fishing and hunting for seals and walrus and makes these activities more difficult and dangerous.

83. Jamie is experiencing harm to her emotional and psychological health and wellbeing because of the ongoing worsening of the climate crisis. Experiencing the harms of thawing permafrost, erosion, and flooding in her home, and other harms to her health, safety, culture, and community cause Jamie to experience deep levels of anxiety. Jamie also experiences harm to her emotional and psychological health and wellbeing

anticipating increasing future harms as the effects of climate pollution worsen with continuing fossil fuel emissions. When Jamie thinks about how her house may be destroyed because of erosion, permafrost thaw, and flooding brought on by climate pollution, she sometimes experiences anxiety so severe that she has panic attacks.

84. As described above, because of climate pollution caused by the development and combustion of fossil fuels, Youth Plaintiffs are already suffering life-threatening harms to their health and safety; their cultural identities, practices, and traditions; their ability to provide for their subsistence needs; and their access to vital natural resources of Alaska. These injuries have already occurred and are continuing to occur today from current levels of climate pollution, including climate pollution for which the State of Alaska is responsible.

85. The substantial climate pollution that would result from the Alaska LNG Project on top of already dangerous existing levels of climate pollution would cause worsening and additional injuries in the future to Youth Plaintiffs' health and safety; their cultural identities, practices, and traditions; their ability to provide for their subsistence needs; and further limit their access to the vital natural resources on which they depend for their lives, health, safety, and cultural traditions and identities. These future injuries are substantially likely to occur if the Alaska LNG Project proceeds as mandated by AS § 31.25.005(1) and (5).

86. The substantial climate pollution that would result from the Alaska LNG Project, much of which would last for millennia, would interfere with opportunities to alleviate the harms of climate change for Youth Plaintiffs in the future, causing additional injury. Laws and projects that interfere with Youth Plaintiffs' ability to stop the

accumulation of additional climate pollution in the atmosphere, the resulting worsening of the climate crisis, and consequent injuries to their health, safety, cultures, and access to natural resources, is its own discrete injury.

IV. DEFENDANTS

87. Defendant **State of Alaska** has jurisdiction over all natural resources within its domain, including the atmosphere (air), waters, lands, minerals, fish, and wildlife. The State of Alaska enacted AS § 31.25.005(1) and (5), the laws challenged herein, mandating the development and advancement of the Alaska LNG Project. The State of Alaska statutorily created the Alaska Gasline Development Corporation as a State entity with the purpose and mandate to develop and advance the Alaska LNG Project. AS § 31.25.005(1), (5). The State is constitutionally constrained from passing laws that infringe upon Alaskans' constitutional rights.

88. Defendant **Alaska Gasline Development Corporation** is a public corporation and government instrumentality located in the Department of Commerce, Community, and Economic Development. AS § 31.25.005(1) and (5) statutorily mandate AGDC to develop and advance the Alaska LNG Project.

89. AGDC is a state actor and the actions of AGDC, its subsidiaries, and their respective board members, officers, staff, and agents in relation to AGDC activities are state actions for purposes of Alaska's Constitution, including the constitutional claims asserted herein. AGDC was first statutorily created under former AS § 18.56.086, 2010 Alaska Laws Ch. 7 (H.B. 369), as a subsidiary of the Alaska Housing Finance Corporation, an entity that the Alaska Supreme Court has ruled is a state actor for constitutional purposes. *Anderson v. Alaska Hous. Fin. Corp.*, 462 P.3d 19 (Alaska 2020). Through 2013

Alaska Law Ch. 11 (H.B. 4), the Alaska Legislature converted AGDC from a subsidiary of the Alaska Housing Finance Corporation to a "public corporation and government instrumentality" "located for administrative purposes in the Department of Commerce, Community, and Economic Development . . . ." AS § 31.25.010. The seven members of AGDC's board of directors are all appointed by the Governor and must be confirmed by the Legislature. Two are heads of principal departments of the State. AGDC was originally created, and later converted, by special statutes for a purportedly "essential public and governmental purpose[,]" AS § 31.25.260, legislatively designated as purportedly "acting in the best interests of the state[,]" AS § 31.25.010, and legislatively directed to accomplish its purposes "for the benefit of the state[.]" AS § 31.25.005.

90. Defendant **Frank Richards** is the President of AGDC and is sued in his official capacity. As President of AGDC, Mr. Richards oversees development and execution of all AGDC projects, including the Alaska LNG Project.

V. LEGAL BACKGROUND

A. The Public Trust Doctrine and Article VIII of Alaska's Constitution

91. Under the public trust doctrine, Alaska's government holds certain natural resources in trust for public use and owes a fiduciary duty to manage such resources for the common good of the public as beneficiary. *Baxley v. State*, 958 P.2d 422, 434 (Alaska 1998).

92. Alaska's public trust doctrine traces its roots to historic common law principles governing the sovereign's management of natural resources, principles Alaska's framers constitutionalized in Article VIII of the Alaska Constitution. Common law trust principles continue to inform and define the State's duties under the public trust doctrine

as constitutionalized in Article VIII. *Kanuk v. State, Dep't of Nat. Res.*, 335 P.3d 1088, 1100 n.61 (Alaska 2014).

93. The public trust doctrine constrains and imposes duties on the State, and all components and entities of the State, including Defendants, with respect to the management, use, and disposal of public trust resources.

94. Under Article VIII, all present and future generations of Alaskans are beneficiaries of Alaska's public trust doctrine. Youth Plaintiffs are beneficiaries of and have rights under Alaska's public trust doctrine secured by Article VIII. As beneficiaries of the public trust doctrine under Article VIII, Youth Plaintiffs have rights to access, use, navigation, and enjoyment of public trust resources.

95. Under Article VIII, resources protected under the public trust doctrine explicitly include "fish, wildlife, and waters" as well as "forests, . . . grasslands, and all other replenishable resources." Alaska Const. art. VIII, §§ 3, 4. Alaska's public trust resources also include those other essential resources that are of vital public concern to the citizens of Alaska, including the air (atmosphere), shorelines, surface lands, and submerged lands. The atmosphere is intertwined and inextricably linked with all of Alaska's other public trust resources including those explicitly recognized in Article VIII and is therefore also held in trust for the benefit of present and future Alaskans under the public trust doctrine. The legislature has recognized the atmosphere, and the environment more broadly, as public trust resources, declaring that it is "the policy of the state to . . . manage the basic resources of water, land, and air to the end that the state may fulfill its responsibility as trustee of the environment for the present and future generations." AS § 46.03.010(b); *Kanuk v. State, Dep't of Nat. Res.*, 335 P.3d 1088, 1102 (Alaska 2014).

96. State policies and conduct that exacerbate the climate crisis, thereby destroying, harming, or limiting the continuing availability of public trust resources for present and future generations, implicate the public trust doctrine under Article VIII.

97. The public trust doctrine constitutionalized under Article VIII provides for substantive judicial review of government policies and conduct. Alaska's courts are "compelled to strike down any statutes or regulations that violate [the] principle[s]" of the public trust doctrine as constitutionalized under Article VIII. *Owsichek v. State, Guide Licensing & Control Bd.*, 763 P.2d 488, 496 (Alaska 1988).

B. Youth Plaintiffs' Rights of Equal Access to Public Trust Resources Under Article VIII, Sections 3, 15, and 17 of Alaska's Constitution

98. Defendants, as trustees, have a duty to administer and manage public trust resources with loyalty to and in the interest of trust beneficiaries. As trustees, Defendants have a duty of impartiality prohibiting them from disfavoring any similarly situated class of beneficiaries with respect to public trust resources. Present and future generations are equally protected and similarly situated classes of beneficiaries under the public trust doctrine. When carrying out their obligations as trustees, Defendants must treat present and future generations substantially equally. Defendants may not manage public trust resources at the expense of and to the substantial detriment of youth and future generations.

99. Defendants' public trust duties of loyalty and impartiality are constitutionalized, in part, in the equal access provisions of Article VIII set forth in sections 3, 15, and 17. Government policies and conduct that discriminate among similarly situated user groups and limit a group's access to Alaska's natural resources implicate and are subject to review under the equal access clauses of Article VIII. *Cook Inlet Fisherman's Fund v. State, Dept. of Fish & Game*, 357 P.3d 789 (Alaska 2015).

100. The equal access clauses of Article VIII require "more stringent review" of challenged statutes and government conduct "than does the equal protection clause in cases involving natural resources." *Owsichek v. State, Guide Licensing & Control Bd.*, 763 P.2d 488, 498 n.17 (Alaska 1988) (quoting *Gilman v. Martin*, 662 P.2d 120, 126 (Alaska 1983)).

101. Discrimination among user groups with respect to certain criteria is *per se* impermissible. For instance, discriminatory measures limiting access to Alaska's natural resources based on rural or urban residency, or based on geographic proximity to a resource, are *per se* impermissible. *McDowell v. State*, 785 P.2d 1 (Alaska 1989); *State v. Kenaitze Indian Tribe*, 894 P.2d 632 (Alaska 1995).

102. Similarly, government policies and actions that discriminate against youth and future generations by substantially limiting their access to Alaska's natural resources relative to past and present generations of adults are *per se* impermissible. Youth and future generations of Alaskans are a recognized and protected user group of public trust beneficiaries with equal status to past and present generations of adults. Youth and future generations are similarly situated to present and previous generations of Alaskans with respect to their reliance on and need to access Alaska's natural resources for their lives, health, safety, cultural traditions and identities, and economic livelihoods. The Alaska Supreme Court has recognized that discrimination with respect to access to Alaska's natural resources based on seniority runs counter to Article VIII's equal access values. *Owsichek v. State, Guide Licensing & Control Bd.*, 763 P.2d 488 (Alaska 1988).

C. Youth Plaintiffs' Rights to Sustained Yield of Public Trust Resources Free from Substantial Impairment Under Article VIII, Section 4 of Alaska's Constitution

103. Defendants, as trustees under Article VIII, have duties to present and future generations of Alaskans, including Youth Plaintiffs, to refrain from acting in a manner that abdicates control of public trust resources, alienates public trust resources from the trust, or results in substantial impairment or waste of public trust resources.

104. Under the public trust doctrine, "'[t]he control of the State for the purposes of the trust can never be lost, except as to such parcels as are used in promoting the interests of the public therein, or can be disposed of without any substantial impairment of the public interest in the lands and water remaining.'" *CWC Fisheries, Inc. v. Bunker*, 755 P.2d 1115, 1118 (Alaska 1988) (quoting *Illinois Cent. R.R. Co. v. Illinois*, 146 U.S. 387, 453 (1892)).

105. Defendants' duties to maintain the corpus of public trust resources in perpetuity for the benefit of present and future generations, including Youth Plaintiffs, and Youth Plaintiffs' corresponding rights, are constitutionalized, in part, in the sustainable yield clause of Alaska's Constitution, Article VIII, section 4: "fish, forests, wildlife, grasslands and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on a sustained yield principle, subject to preferences among beneficial uses." Under section 4, for the benefit of all present and future generations of Alaskans, including Youth Plaintiffs, all replenishable resources are to be administered, insofar as practicable, on the sustained yield principle. The constitutional duty to apply principles of sustained yield in natural resources management is not subject to legislative or executive discretion. *West v. State, Bd. of Game*, 248 P.3d 689, 701 (Alaska 2010).

D. Youth Plaintiffs' Right to a Climate System That Sustains Human Life, Liberty, and Dignity Under Article VIII and Article I, Section 7 of Alaska's

Constitution

106. The public trust doctrine, as constitutionalized in Article VIII of Alaska's Constitution, includes and protects the fundamental right to a climate system that sustains human life, liberty, and dignity. *See Sagoonick v. State*, 503 P.3d 777, 808-09 (Alaska 2022) (Maassen & Carney, JJ., dissenting in part). A climate system that sustains human life, liberty, and dignity is a critical component of and necessary foundation for Youth Plaintiffs' other rights under the public trust doctrine, as secured by Article VIII.

107. The right to a climate system that sustains human life, liberty, and dignity is necessary for sustainable yield of, continuing access to, and continuing availability of Alaska's public trust resources as necessary to provide for Youth Plaintiffs' basic human needs, including sufficient access to clean, air, water, shelter, and food.

108. The fundamental right to a climate system that sustains human life, liberty, and dignity is also protected under Article I, section 7 of Alaska's Constitution, which recognizes and preserves the fundamental right of citizens to be free from government policies and conduct that harm life, liberty, and property without due process of law.

109. Alaska's Constitution is expressly dedicated to the protection of all persons'—including children's and future generations'—natural and inherent human rights, including the rights to life and liberty. Alaska Const. art. I, § 1 ("This constitution is dedicated to the principles that all persons have a natural right to life, liberty, the pursuit of happiness, and the enjoyment of the rewards of their own industry . . . ."); Alaska Const. pmbl. (Alaska's Constitution was established for the express purpose "to secure and transmit to succeeding generations our heritage of political, civil, and religious liberty").

110. The Alaska Supreme Court has recognized the "broad scope" of the fundamental rights protected by Alaska's due process clause. *Myers v. Alaska Psychiatric Inst.*, 138 P.3d 238, 248 (Alaska 2006). Article I, section 21 of Alaska's Constitution makes clear that the rights enumerated in the due process clause and elsewhere in Alaska's Constitution are not to be narrowly construed to "impair or deny" fundamental rights "retained by the people."

111. Alaska's courts have a "duty" to recognize "fundamental rights and privileges" under Alaska's Constitution where they are "within the intention and spirit of our local constitutional language and to be necessary for the kind of civilized life and ordered liberty which is at the core of our constitutional heritage." *Valley Hosp. Ass'n v. Mat-Su Coal. for Choice*, 948 P.2d 963, 967 (Alaska 1997) (quoting *Baker v. City of Fairbanks*, 471 P.2d 386, 401-02 (Alaska 1970)).

112. The right to a climate system that sustains human life, liberty, and dignity is both necessary for and foundational to the explicitly enumerated rights reserved by the Alaska Constitution, including the rights to life, liberty, and property and is constitutionally reserved through both sections 7 and 21 of Article I of the Alaska Constitution.

113. The fundamental right to a climate system that sustains human life, liberty, and dignity is implicit in the text, context, and history of Alaska's Constitution. The fundamental right to a climate system that "sustain[s] human life, liberty, and dignity" is "the bare minimum when it comes to the inherent human rights to which the Alaska Constitution is dedicated." *Sagoonick v. State*, 503 P.3d 777, 805, 808 (Alaska 2022) (Maassen & Carney, JJ., dissenting in part) (citing Alaska Const. art I, § 1). The fundamental right to a climate system that sustains human life, liberty, and dignity is

necessary to preserve the inherent human rights to which the Alaska Constitution is dedicated, Alaska Const. art. I, § 1, including the rights to life, liberty, and property, and public trust rights protected under Article VIII. Without a climate system that sustains human life, liberty, and dignity, Youth Plaintiffs cannot grow to adulthood in safety, live long healthy lives, provide for their basic human needs, safely raise families, learn and practice their religious and spiritual beliefs, learn and transmit their cultural traditions and practices, maintain their personal security and bodily integrity, or lead lives with sufficient access to clean air, water, shelter, and food.

114. Government policies and conduct that substantially burden fundamental rights are unconstitutional unless the government articulates a compelling state interest that justifies infringing the right and demonstrates that no less restrictive means of advancing that compelling interest exists.

VI. FACTUAL BACKGROUND

A. AS § 31.25.005(1) and (5) Unconstitutionally Mandate the Development and Advancement of the Alaska LNG Project

115. The Alaska LNG Project is one of the largest infrastructure projects ever proposed in the U.S. The Project is intended to transport, treat, and deliver to market substantial quantities of fossil gas from Alaska's North Slope.

116. The Alaska LNG Project includes three main components. First, the Project includes a "gas treatment plant" to treat fossil gas extracted on the North Slope prior to transport and liquification, as well as two local pipelines to transport the raw fossil gas to the "gas treatment plant."[3] Next, the project includes a main "gas pipeline" to transport the

[3] AS § 31.25.390(1)(B), (E), (F).

fossil gas from the "gas treatment plant" more than 800 miles across the state to Southcentral Alaska, with offtake points along the pipeline for deliveries of fossil gas in-state.[4] Finally, the project includes a "liquified natural gas plant" in Southcentral Alaska to liquify the fossil gas received from the main gas pipeline in preparation for export,[5] and a "marine terminal" to receive the liquified fossil gas for export.[6]

117. The legislature, through Senate Bill 138 (2014 Alaska Laws Chapter 14), enacted amendments to Title 31, Chapter 25 of Alaska's statutory code directing AGDC to advance and develop the Alaska LNG Project.

118. The statutory mandate for AGDC to advance and develop the Alaska LNG Project is codified in the following subsections of Alaska's statutory code, which Youth Plaintiffs challenge as facially unconstitutional:

a. AS § 31.25.005(1) mandates that AGDC "***shall*** . . . develop and have primary responsibility for developing" the Alaska LNG Project. (emphasis added).

b. AS § 31.25.005(5) mandates that AGDC "***shall*** . . . advance" the Alaska LNG Project "by developing infrastructure and providing related services, including services related to transportation, liquefaction, a marine terminal, marketing, and commercial support[.]" (emphasis added).

B. Defendants Ongoing Actions to Advance and Develop the Alaska LNG Project Pursuant to AS § 31.25.005(1) and (5)

[4] AS § 31.25.390(1)(A).

[5] AS § 31.25.390(1)(C).

[6] AS § 31.25.390(1)(D).

119. Defendants are carrying out the statutory mandate to develop and advance the Alaska LNG Project.

120. Consistent with and pursuant to the mandate of AS § 31.25.005(1) and (5) to advance and develop the Alaska LNG Project, Defendants, directly and through AGDC subsidiary 8 Star Alaska, LLC, have advanced and developed, and continue to advance and develop the Alaska LNG Project through actions including, but not limited to the following:

a. Applying for, endeavoring to secure, securing, holding, defending, and maintaining permits, licenses, authorizations, and approvals for the development, construction, and operation of the Alaska LNG Project;

b. Negotiating for the acquisition or transfer of, acquiring, and holding real property interests, investments, ownership interests, participation interests, assets, and other interests in the Alaska LNG Project and related infrastructure and entities for the advancement and development of the Alaska LNG Project;

c. Establishing, arranging for transfer of assets to, transferring assets to, and maintaining entities, including 8 Star Alaska, LLC, for the advancement and development of the Alaska LNG Project;

d. Endeavoring to secure commitments for the engineering, development, construction, and operation of the Alaska LNG Project and components thereof;

e. Endeavoring to secure funding, investment, financing, and financing guarantees for the Alaska LNG Project and components thereof;

f. Endeavoring to secure commitments for supply and transportation of fossil gas through the Alaska LNG Project;

g. Endeavoring to secure commitments for purchase of fossil gas delivered via the Alaska LNG Project;

h. Commissioning and preparing studies, reports, and presentations to advance the Alaska LNG Project, including in regulatory and permitting proceedings and to secure funding and financing for the Alaska LNG Project and components thereof;

i. Endeavoring to secure regulatory and tax treatment changes to facilitate the Alaska LNG Project and investment therein; and

j. Requesting, allocating, and expending State funds for the advancement and development of the Alaska LNG Project.

121. Defendants have secured the permits, licenses, authorizations, and approvals necessary for the construction and operation of the Alaska LNG Project. AGDC has described the Alaska LNG Project as a "fully permitted project" and publicly represented that "the project has major permits required to start work now."

122. Defendants have indicated in public documents and statements that their current primary objective in advancing and developing the Alaska LNG Project is to transition majority ownership, control, and lead for the Project to private parties to ensure and complete its construction and operation.

123. AGDC established its wholly owned subsidiary, 8 Star Alaska, LLC, to function as the parent company of the Alaska LNG Project so that it can serve as a vehicle for AGDC to transfer ownership and control of the Alaska LNG Project to the private sector

and for operation of the Project going forward. AGDC has indicated in public documents and statements that it has transferred Alaska LNG Project assets to 8 Star Alaska, LLC.

124. AGDC public documents state that AGDC intends to transfer ownership and control of the Alaska LNG Project through a transfer of majority equity in 8 Star Alaska to private parties in exchange for funding development of the Alaska LNG Project through 8 Star Alaska, LLC and agreement to progress development on a fast, AGDC-approved timeline. AGDC public documents state that AGDC is currently engaged in discussions with multiple investors for a transfer of ownership and control of the Alaska LNG Project.

125. AGDC is simultaneously pursuing a phased approach under which the pipeline component of the Project would be completed as phase 1 and the other Project components completed as phase 2. AGDC public documents state that AGDC is conducting simultaneous multiparty negotiations that will initiate the first phase of the Project.

C. The Alaska LNG Project Would Substantially Increase Alaska's Climate Pollution, Causing Profound Harm to Youth Plaintiffs

126. As a result of the past and continuing development and combustion of fossil fuels, atmospheric levels of climate pollution are already causing significant injuries to Youth Plaintiffs and the vital natural resources of Alaska on which their lives, health, safety, and cultural traditions and identities depend. Every additional ton of climate pollution further increases atmospheric GHG concentrations and causes and locks in further and increasing harms to Youth Plaintiffs.

127. The Intergovernmental Panel on Climate Change ("IPCC") has found that "every tonne of CO_2 emissions adds to global warming,"[7] which increases the frequency and intensity of climate change impacts. "[W]ith every additional increment of global warming, changes in extremes continue to become larger."[8]

128. Alaska's present level of climate pollution emissions is already causing and contributing to the climate change injuries of Youth Plaintiffs. The Alaska LNG Project would substantially increase Alaska's climate pollution emissions for decades, causing substantial further and additional harm to Youth Plaintiffs' health and safety, their cultural traditions and identities, and their access to the vital resources on which they rely.

129. In the most recent State-prepared inventory of Alaska's annual climate pollution emissions, the Alaska Department of Environmental Conservation ("ADEC") calculated Alaska's gross climate pollution emissions for 2019—the most recent year for which emissions were reported—at 33.7 million metric tons of CO_2e. This level of climate pollution is roughly equivalent to the fossil fuel and industrial CO_2 emissions of entire nations, such as Ireland, Sweden, Denmark, Switzerland, and New Zealand – countries with approximately 7 to 14 times the population of Alaska. According to ADEC's inventory, Alaska's per capita emissions are among the highest in the U.S. ADEC's

[7] Intergovernmental Panel on Climate Change. 2021. Summary for Policymakers. In: Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change [Masson-Delmotte, V., P. Zhai, A. Pirani, S.L. Connors, C. Péan, S. Berger, N. Caud, Y. Chen, L. Goldfarb, M.I. Gomis, M. Huang, K. Leitzell, E. Lonnoy, J.B.R. Matthews, T.K. Maycock, T. Waterfield, O. Yelekçi, R. Yu, and B. Zhou (eds.)]. Cambridge University Press.

[8] *Id.*

inventory does not account for climate pollution from the combustion of fuels extracted in Alaska by authorization of the State and exported and combusted out of state.

130. In 2022, approximately 159,611,000 barrels of oil, 373,141,000,000 cubic feet of marketed fossil gas, and 1,014,307 tons of coal were extracted in Alaska. When combusted, this amount of fossil fuels produces approximately 91.3 MMT of CO_2, which is more than 176 countries emitted in 2021 from fossil fuels and industry.

131. The Alaska LNG Project would substantially elevate Alaska's climate pollution emissions for decades, locking in increasingly severe climate harms to Alaska's youth, including Youth Plaintiffs, and the vital natural resources on which their lives, health, safety, and cultures depend.

132. There are over 40 trillion cubic feet of already-discovered proven fossil gas reserves available on Alaska's North Slope, which when combusted, would result in approximately 2.2 billion metric tons (2,200 MMT) of CO_2 emissions, which is the equivalent of over 65 years' worth of Alaska's 2019 GHG emissions as reported by ADEC. Additionally, AGDC estimates that the North Slope contains an additional 200 trillion cubic feet of fossil gas that could be commercialized through the Alaska LNG Project. When combusted this amount of fossil gas would produce roughly an additional 11 billion metric tons (11,000 MMT) of CO_2 emissions, which is the equivalent of over 326 years' worth of Alaska's 2019 climate pollution emissions as reported by ADEC. AGDC further estimates that advancements in drilling technology will allow tapping of an additional 590 trillion cubic feet of shale, tight gas, and gas hydrates from the North Slope that could be commercialized through the Alaska LNG Project. When combusted this amount of fossil gas would produce roughly an additional 32 billion metric tons (32,000 MMT) of CO_2

emissions, which is the equivalent of over 949 years' worth of Alaska's 2019 climate pollution emissions as reported by ADEC.

133. The Alaska LNG Project is the only infrastructure project being pursued that is intended to fully commercialize the proven reserves of fossil gas from Alaska's North Slope region. The Project's construction and operation, and the transportation and combustion of fossil gas delivered through the Project would substantially increase Alaska's climate pollution emissions.

134. Constructing the Project alone, not including the fossil gas extracted, would emit approximately 2,580,000 metric tons CO_2e. This is roughly equivalent to the annual emissions from 561,000 U.S. gasoline powered vehicles, more than the number of registered gasoline vehicles in Alaska in 2022.

135. Combustion of the previously uncommercialized fossil gas the Alaska LNG Project would unleash from Alaska's North Slope would result in substantial emissions of climate pollution for every year of the Project's operation. The Alaska LNG Project would transport a peak capacity of up to approximately 3.9 billion cubic feet of fossil gas per day from the North Slope. By AGDC's estimates, after treatment of the fossil gas, the Project would transport up to 3.511 billion cubic feet of fossil gas per day that would ultimately be destined for combustion, including 437 million cubic feet per day that would be combusted just to operate the Project. If operated at this capacity, the Alaska LNG Project would transport 1,281,500,000,000,000 cubic feet of fossil gas per year for ultimate combustion. When combusted, this gas would release at least approximately 68 MMT CO_2 per year. This level of annual emissions is more than double the annual GHG emissions ADEC

reported for the entire State of Alaska for 2019 and represents roughly a 75% increase in annual emissions from the combustion of all fossil fuels extracted in Alaska in 2022.

136. The 437 million cubic feet of fossil gas combusted daily just to operate the Project would result in approximately 8.8 MMT CO_2 per year.

137. According to AGDC's documents, the Project would deliver up to 482 million cubic feet per day of fossil gas for use in Alaska. When combusted, this would result in approximately 9.7 MMT CO_2 per year.

138. Additionally, leakage of fossil gas produced and delivered by the Project is likely to result in at least 7 MMT CO_2e of climate pollution for every year of the Project's operation.

139. Cumulatively, combustion of fossil gas delivered via the Project and a conservative estimate of leakage would result in approximately at least 75 MMT CO_2e of climate pollution per year. When added to Alaska's annual emissions as measured by ADEC's calculations for 2019, the Alaska LNG Project would more than triple Alaska's annual GHG emissions.

140. The Project is intended to operate for at least thirty years. Over thirty years, including climate pollution from construction and a conservative estimate of leakage, the Project would result in approximately 2.3 billion metric tons of CO_2e. This level of climate pollution is equivalent to over sixty-seven years of Alaska's current annual emissions as measured by ADEC's calculations for 2019.

141. Some experts have estimated that leakage of gas produced and delivered by the Alaska LNG Project could be much higher than 7 MMT CO_2e per year, up to 21 MMT CO_2e per year and, as a result, cumulative emissions over the Project's lifespan could be

as high as 3.9 billion metric tons of CO_2e. This level of climate pollution is equivalent to over 115 years of Alaska's current annual emissions as measured by ADEC's calculations for 2019.

142. North Slope gas contains a relatively high fraction of CO_2, most of which must be separated at the gas treatment plant for the fossil gas to be marketable. AGDC plans to inject this CO_2 into geological storage. At least 10% of this CO_2 is likely to be lost to the atmosphere, resulting in additional substantial emissions of climate pollution on the order of approximately 1 MMT CO_2 per year.

143. Transportation of liquified fossil gas from the LNG Plant to end users would result in additional substantial emissions of climate pollution for every year of the Project's operation, estimated from approximately 2,600,000 to 5,400,000 metric tons CO_2e of climate pollution per year, depending on the destination, and resulting in up to approximately 162 MMT CO_2e over a duration of thirty years.

144. The significant levels of climate pollution that would result from the Alaska LNG Project would substantially worsen the climate changes occurring in Alaska, causing additional and increasingly severe injuries to Youth Plaintiffs.

145. Preventing the Alaska LNG Project would avoid the climate pollution that would otherwise occur if the Project went forward.

146. Non-fossil fuel-based energy systems across all sectors, including electricity generation, are economically feasible and technologically available to employ, including to replace coal, gas, and oil. New fossil fuel infrastructure projects and investments, like the Alaska LNG Project, increase long-term fossil fuel dependence,

preventing and delaying transition to clean energy systems, and increasing climate pollution.

D. The Scientific Consensus that Climate Pollution from the Combustion of Fossil Fuels Causes Climate Change and Injures Youth Plaintiffs

147. There is an overwhelming scientific consensus that human-caused climate change has been and is occurring in Alaska today due to climate pollution, primarily CO_2 from the combustion of fossil fuels. The release and accumulation of climate pollution into the atmosphere is causing more solar energy to be retained in Earth's atmosphere and oceans than radiates out into space, disrupting Earth's energy balance, and resulting in the climate changes in Alaska that are harming Youth Plaintiffs. Accumulating climate pollution in the atmosphere causes the Earth to heat. The higher the atmospheric concentration of climate pollution, the hotter Alaska will be.

148. The atmospheric concentration of CO_2, the dominant climate pollutant, has been increasing, and continues to increase, as a direct result of development and combustion of fossil fuels. Current atmospheric CO_2 concentrations are higher than levels have been in millions of years. The global annual average atmospheric CO_2 concentration for 2023 was 421 ppm compared to the pre-industrial concentration of 280 ppm.

149. A substantial portion of every ton of CO_2 persists in the atmosphere for millennia, continuing to cause warming and affecting the climate long after it was emitted. As a result of existing excess concentrations of atmospheric CO_2 from previous climate pollution, Alaska has already heated more than the global average. Every additional ton of climate pollution will cause more heating and disruption to Alaska's climate system, imposing profound and mounting risks of ecological, economic, and social collapse, and further harm to Youth Plaintiffs.

150. Because of the longevity of CO_2 in the atmosphere, the harm from more climate pollution from the Alaska LNG project over the next thirty years will be disproportionately borne by today's youth and children, including Youth Plaintiffs, and future generations.

151. Additional climate pollution increases the dangerous risks to Youth Plaintiffs of triggering climatic tipping points and amplifying feedback loops after which runaway, catastrophic climate change in Alaska becomes unavoidable and irreversible for hundreds of years. For instance, present rates of warming are already beginning to thaw permafrost, releasing methane (a powerful GHG) previously frozen in place, thereby causing additional warming, which causes yet more permafrost thaw, creating an amplifying feedback loop. Similarly, as reflective sea ice melts, it is replaced by sunlight-absorbing dark ocean surface, thereby causing further warming, which accelerating further accelerates loss of sea ice. Scientists cannot predict with certainty when dangerous tipping points will be crossed, but are certain that more climate pollution increases the risks.

152. There is a scientific consensus that the maximum safe concentration of atmospheric CO_2 for humanity is 350 ppm. This is the standard that defines a climate system that sustains human life, liberty, and dignity.

153. To avert more catastrophic climate injuries to Youth Plaintiffs, to preserve conditions that are safe for human life, and to avoid triggering tipping points after which runaway climate change becomes irreversible, new fossil fuel infrastructure projects must be avoided, new sources of climate pollution must be prevented, and atmospheric CO_2 concentrations must be reduced to no more than 350 ppm by 2100, which requires complete elimination of fossil fuel climate pollution as rapidly as possible. If fossil fuel CO_2 pollution

is eliminated before irreversible climate tipping points are triggered, Earth's natural carbon sinks are sufficient to drawdown atmospheric CO_2 concentrations to 350 ppm.

154. Substantially increasing Alaska's climate pollution for decades to come through the Alaska LNG Project is incompatible with the scientific consensus as to what is necessary for preserving Youth Plaintiffs' fundamental rights to equal access to and sustainable yield of the Alaska public trust resources on which their lives, health, safety, and cultural traditions and identities depend, and to their fundamental right to a climate system that sustains human life, liberty, and dignity.

E. Climate Pollution Is Already Causing Dangerous Climate Disruption in Alaska, Injuring Youth Plaintiffs

155. Current levels of climate pollution resulting from the development and combustion of fossil fuels have already resulted in well-documented and observable disruptions in the climate system in Alaska. Climate pollution is warming Alaska's air, land, and waters; acidifying oceans; harming Alaska's fish, wildlife, and vegetation; degrading fresh water resources; changing precipitation patterns; melting sea ice; eroding coastal areas and riverbanks and causing land loss; thawing permafrost; melting glaciers; creating dangerous heatwaves; creating increasingly frequent and severe wildfires and wildfire smoke; increasing pestilence with resultant diseases; and causing other adverse health risks and other harms, all of which threaten the habitability of Alaska, harm Youth Plaintiffs' health and safety, and impair, limit, and exclude their access to natural resources on which their lives and cultures depend.

156. Climate pollution is already causing massive adverse economic impacts to Alaska's economy. Economic and financial losses in Alaska from climate pollution are wide-ranging and span across many sectors, including healthcare, insurance, wildlife and

fisheries management, disaster relief, infrastructure construction and repair, energy development, tourism, sports and recreation, among others.

157. Defendants have had longstanding knowledge, for decades, of the dangers that climate pollution presents to the health, safety, and cultural traditions and identities of Alaska's youth and future generations, and to their access to the natural resources of Alaska on which their lives, health, safety, and cultures depend.

158. With climate pollution already at concentrations that disrupt Alaska's climate, the substantial climate pollution from the Alaska LNG Project will further disrupt Alaska's climate system, imposing further substantial harm to Youth Plaintiffs.

1. Temperature Increase, Heatwaves, and Other Heat-Related Changes

159. As a result of climate pollution from the development and combustion of fossil fuels, Youth Plaintiffs are experiencing increasing temperatures and dangerous heatwaves that threaten their health and safety and their ability to access the natural resources on which they depend for their lives and cultures.

160. Alaska is warming at least twice as fast as the global average since the mid-20th century due to climate pollution. According to recent studies, the arctic has been warming nearly four times faster than the global average since 1979. Alaska's rate of warming has significantly increased in recent decades as the effects of climate change accelerate with increasing climate pollution, and this trend will continue with continuing climate pollution.

161. Under a continuing high climate pollution emissions scenario, consistent with projects like the Alaska LNG Project, Alaska is projected to experience years this

century with average temperatures 15ºF hotter than the hottest year in the historical record, subjecting Youth Plaintiffs to even greater harm than they already face.

162. Climate pollution is causing more frequent, severe, and prolonged heat waves in Alaska. In 2019, Alaska experienced one of the most extreme heatwaves ever recorded in Earth's history, with prolonged extreme heat shattering all-time high temperature records across multiple areas of the State, and resulting in large wildfires and fish kills, harming Youth Plaintiffs.

163. Increasing temperatures and heat waves from climate pollution increase the risk of heat-related illnesses and death for Youth Plaintiffs. Heat waves are the deadliest weather events in the U.S., causing more fatalities than tornadoes, hurricanes, floods, and earthquakes combined.

164. Increasing temperatures from climate pollution are causing longer and worse pollen seasons in Alaska, harming Youth Plaintiffs. Increasing temperatures allow plants to pollinate earlier and higher CO_2 concentrations increase pollen production.

165. Rising temperatures from climate pollution are transforming ecosystems in Alaska with profound effects on the flora and fauna on which Youth Plaintiffs rely to sustain their lives, health, and cultural traditions and identities. Increasing temperatures are shifting habitat ranges as species disappear from formerly habitable areas, altering and limiting where Youth Plaintiffs can hunt, catch, or gather important and traditional food sources.

166. Rising temperatures and heatwaves in Alaska's fresh and marine waters resulting from climate pollution are causing devastating impacts to salmon, halibut, marine mammals, and other species on which Youth Plaintiffs rely. Global ocean temperatures

reached their hottest level ever recorded by humans in 2023. The prior records were set in 2022, 2021, 2020, and 2019 respectively. Increasing temperatures in Alaska's waters have already caused massive die-offs of fish, including salmon, and caused and contributed to fishery collapses, disaster declarations, emergency closures, reduced catch limits, and other restrictions, limiting Youth Plaintiffs' access to resources they rely on to sustain their lives, health, and cultures. Warming ocean waters are also causing cod and haddock, and many other species, to move farther north in search of cold, oxygen rich water; changing species composition and relative abundances; and substantially altering food web structure and ecosystem functioning. The Northeast Pacific, including the Gulf of Alaska, is one of the areas experiencing the fastest increases in the number of marine heatwave days on the planet. The Northeast Pacific marine heatwaves of 2014-15, 2016, and 2019-21, which decimated marine life in Alaska, including the masses of warm water commonly referred to as "the blob," had less than a 1% chance of occurring in the absence of climate pollution.

167. Rising water temperatures also increase the incidence of toxic algal blooms, which have cascading impacts on marine coastal ecosystems and limit Youth Plaintiffs' access to subsistence resources. Toxic algal blooms harm aquatic life and contaminate clam, mussel, and other species with the toxin that causes paralytic shellfish poisoning, a serious illness that can be fatal.

168. Since 2015, multiple large-scale seabird die-off events have co-occurred with periods of unnaturally warm water off the coast of Alaska. Impacted species of large-scale die-offs include puffins, murres, fulmars, shearwaters, kittiwakes, and auklets. A study conducted by the Alaska Audubon found that 79% of Alaska's 217 species of birds

are vulnerable to climate change across seasons, and populations could decline or go extinct if the birds are unable to adapt.

169. Warming temperatures are also leading to increasing population and range expansion of spruce beetles in Alaska, leading to mass tree mortality, resulting in fuel for ever-increasing wildfires, and altering and transforming boreal ecosystems, with resulting harms to species on which Youth Plaintiffs depend.

170. The warming that has occurred to date because of climate pollution is already harming Youth Plaintiffs' health, safety, cultures, and their access to the natural resources on which they depend. The Alaska LNG Project would substantially increase Alaska's climate pollution, increasing warming and causing further harms to Alaska's ecosystems, fisheries, and other fauna and flora, exacerbating and worsening Youth Plaintiffs' injuries.

2. Thawing Permafrost

171. Rising temperatures from climate pollution have led to widespread thawing of Alaska's permafrost, damaging Youth Plaintiffs' homes, threatening their communities and cultures, damaging infrastructure, and limiting their access to the natural resources on which they rely to sustain their lives, health, and cultures.

172. Permafrost underlies more than 80% of the state, including the communities and homes of many of the Youth Plaintiffs, including Summer, Cauyaq, and Jamie.

173. As permafrost thaws, ice in the permafrost melts, releasing water and causing the soil above to sink, resulting in ground subsidence, flooding, and damages to buildings and other infrastructure, posing dangers to human life, health, and safety. When permafrost thaws, the soil contracts and sinks, and when it freezes again it expands. This

continuous cycle shifts, displaces, sinks, and breaks structures above it, including homes, plumbing, roads, and other critical infrastructure on which Youth Plaintiffs rely. Thawing permafrost also increases the frequency and magnitude of landslides, which can cause injury and destruction to homes and other structures.

174. Thawing permafrost is causing and accelerating shoreline and riverbank erosion in Alaska, damaging and destroying homes, infrastructure, and displacing and threatening the continued existence of entire cultures and communities along Alaska's rivers and coast, including Youth Plaintiffs Summer, Cauyaq, and Jamie's homes, communities, and cultures in Unalakleet, Shaktoolik, Kipnuk, and Kasigluk.

175. The thawing of Alaska's permafrost is causing land that used to be too cold or wet to burn to turn into fuel for ever-worsening wildfires, like in Cauyaq's community of Kipnuk, where extensive tundra fires burned in 2019.

176. As permafrost thaws, microbes long trapped and dormant in the frozen soil, some for up to hundreds of thousands of years, are released, exposing Youth Plaintiffs to risk of illness from novel and ancient pathogens, including diseases that society has eliminated or for which humans lack immunity and cures.

177. Thawing permafrost transforms low lying tundra into muddy landscapes unsuitable for many species of flora on which Youth Plaintiffs rely for subsistence. In turn, the decline of flora affects wildlife dependent upon it as a food source, including species Youth Plaintiffs rely on for subsistence. Simultaneously, when permafrost thaws beneath water bodies at higher elevations, such as lakes, the water seeps into the ground, draining water bodies that provide habitat for species on which Youth Plaintiffs rely for subsistence.

Thawing permafrost also obstructs and makes travel more difficult and dangerous, limiting Youth Plaintiffs' access to and harvest of subsistence resources.

178. Alaska's permafrost serves as a carbon sink, storing massive amounts of carbon. It is estimated that permafrost contains approximately 15,000 gigatons of carbon. As more climate pollution causes more heating, more permafrost will thaw releasing more carbon into the air, creating a self-reinforcing climate change feedback loop resulting in further accelerating permafrost thaw and risking triggering tipping points after which runaway climate change becomes irreversible.

179. The Alaska LNG Project would substantially increase Alaska's climate pollution, causing further thawing of permafrost and thereby exacerbating and worsening Youth Plaintiffs' injuries.

3. Changing Precipitation Patterns, Extreme Weather Events, And Drought

180. Climate pollution is causing changes in Alaska's rain and snowfall, accumulation of snowpack, the frequency and intensity of storms, and the frequency and severity of droughts and floods. These changes are harming and endangering Youth Plaintiffs' health and safety and their access to the natural resources on which they depend for their lives, health, and cultures.

181. As Alaska warms due to climate pollution, snowfall is arriving later in the season, snowpack is decreasing, snowpack is melting earlier, and precipitation is increasingly falling as rain instead of snow across much of the state. According to data published in 2019, Alaska's snowpack now develops about a week later and melts about two weeks earlier than in the late 1990s. With continuing climate pollution, snowpack is projected to decrease by up to 90% in large parts of Alaska, and some areas that have

historically experienced winter snow cover may have no months with persistent snow cover by as early as 2050.

182. Extreme weather and precipitation events are also increasing throughout Alaska because of climate pollution. Rising ocean temperatures increase evaporation, fueling increased precipitation and extreme storms, like September 2022's Typhoon Merbok, which brought 75 mile per hour winds, large waves, and widespread flooding to thousands of miles of Alaska's coastline, including Youth Plaintiffs Summer's, Cauyaq's, and Jamie's communities. Increasing precipitation and severe storms, the shift from snow to rain, and early and rapid snowmelt are all increasing the incidence of flooding, erosion, and landslides in Alaska, causing injury and deaths, damaging property and infrastructure, contaminating drinking water, compromising sewage and waste systems, and increasing waterborne disease. These precipitation changes also accelerate permafrost thaw and the resulting harms and threats to Youth Plaintiffs, their homes, and communities.

183. As climate pollution continues to accumulate, variable winter temperatures, increasing precipitation, and extreme precipitation events are increasing the frequency of avalanches in Alaska and making them more difficult to predict, endangering Youth Plaintiffs' safety in the backcountry and their ability to participate in winter exercise and recreational activities important for their health, development, and cultures. Many Alaskan youths' homes, including Bay's home in Juneau, are at risk of damage and destruction from the increasing risks of avalanches resulting from continuing climate pollution.

184. Overall, the state is projected to become drier due to decreasing snowpack, earlier snowmelt, and greater evaporation caused by warming temperatures, all brought on

by climate pollution. Warming temperatures have already exacerbated drought in Alaska, harming agriculture, aquatic ecosystems, and Youth Plaintiffs' food and water security.

185. Changes to Alaska's precipitation patterns from climate pollution are resulting in harmful changes to Alaska's ecosystems; altering the timing, distribution, and availability of berries and other edible flora; harming fish and wildlife and altering their habitats and migration patterns; and limiting Youth Plaintiffs' access to resources on which they rely for subsistence and to maintain their cultural traditions and identities. These changes threaten the continuing existence and availability of such species for Youth Plaintiffs and future generations of Alaska's youth. Earlier and more rapid snowmelt increases stream turbidity, increases spring flooding, and leads to reduced summer stream flows and increased stream temperatures, harming salmon and other fish species on which Youth Plaintiffs rely. Increasing rainfall also displaces salmon eggs from streams. As precipitation increasingly falls as rain instead of snow, freezing rain events are increasing, leading to ice accumulation on vegetation and preventing caribou and other game from accessing food, resulting in die-offs. Across their circumpolar range, caribou herds have declined in response to factors related to climate warming. As of 2018, global abundance of caribou had declined 56% over the past two decades.

186. Loss of snow and the shortening snow season are making travel by snow machine, dog sled, snowshoeing, and skiing more difficult, dangerous, and increasingly impossible during longer portions of the year, harming Youth Plaintiffs' ability to travel, participate in subsistence activities, access fish and game, and participate in winter exercise and recreational activities important for their health, development, and cultures.

187. The Alaska LNG Project would substantially increase Alaska's climate pollution, causing and accelerating further changes to Alaska's precipitation patterns and resulting harms to Youth Plaintiffs.

4. Loss of Sea, River, and Lake Ice

188. Climate pollution has caused and is causing a decrease in the extent and thickness of sea ice and leading to later freezing, earlier thawing, and more frequent intervening thaw and freeze cycles of sea, river, and lake ice in Alaska, threatening Youth Plaintiffs' health and safety and their ability to access the natural resources on which they depend for their lives and cultures.

189. Arctic sea ice extent and thickness have decreased substantially over the last several decades as a result of climate pollution. Late summer arctic sea ice extent is now approximately half of that observed at the beginning of satellite monitoring in 1979. The ten lowest maximum extent sea ice records have all occurred since 2005. Similarly, the ten lowest minimum extent sea ice records have all occurred since 2007.

190. As a result of increasing climate pollution, Alaska's sea ice is forming along the coast increasingly later and thawing and breaking up increasingly earlier. On the Bering Sea, sea ice coverage has declined by 26% per decade since 1990. On the Chukchi, sea ice formation is occurring 35 days later than it did in the 1970s.

191. Loss of sea ice increases the exposure of youth in coastal and up-river communities, like Summer's, Cauyaq's, and Jamie's, to storms and storm surges, flooding, and erosion. Sea levels in much of Alaska are also rising due to climate pollution, further increasing the impacts of storms, storm surges, flooding, and erosion to youth in Alaska's coastal communities. Some Native villages are losing over 40 feet of land per year, with

documented losses of up to 60 feet of land in single storm events. In 2003, the U.S. Government Accountability Office reported that 86% of Alaskan Native villages are experiencing flooding and erosion due to climate change. The GAO's assessment of threatened Alaska Native villages increased from 31 ("facing imminent threats") in 2009 to 70 villages ("facing significant environmental threats") in 2022. In many of these communities these impacts have gotten so bad as to necessitate relocation. The costs of relocation are enormous and often cost-prohibitive, increasing the risk that villages must disband and lose their community and culture that has endured for millennia. Among the villages that have been forced to explore relocation options is Summer's communities of Unalakleet and Shaktoolik.

192. Loss of sea ice harms and threatens seals, walruses, narwhal, and other marine and Arctic mammals on which Alaska Native communities and youth, like Summer, Jamie, and Cauyaq, rely on for subsistence. Loss of sea ice is also limiting and making subsistent activities more dangerous because shore-fast ice is required for seal hunting and whale butchering.

193. Ice provides critical transportation infrastructure in Alaska, including for subsistence activities. Loss of sea ice, later freezing and earlier thawing of sea, river, and lake ice, and increasing freeze and thaw cycles are increasingly limiting the ability of, and making it more difficult and dangerous for Youth Plaintiffs to travel and to access subsistence resources on which they rely for their lives, health, and cultures.

194. The Alaska LNG Project would substantially increase Alaska's climate pollution, causing additional ice loss in Alaska, thereby exacerbating and worsening Youth Plaintiffs' injuries and making it even harder to protect Youth Plaintiffs' communities.

5. Ocean Acidification

195. Continuing CO_2 pollution from fossil fuels is causing acidification of Alaska's marine waters, resulting in substantial harms to Alaska's marine species, including species Youth Plaintiffs rely on to sustain their lives, health, and cultures.

196. The oceans absorb over 30% of all CO_2 emissions. When CO_2 combines with seawater, it causes a chemical reaction that causes seawater to become more acidic. Ocean acidification dissolves and disrupts the ability of marine species to build shells and skeletons, harming phytoplankton and zooplankton at the bottom of the food chain, all the way up the food chain through crab, shellfish, and salmon, to whales and other marine mammals at the top. The impacts of ocean acidification to organisms at the bottom of the food chain cause rippling domino effects throughout the ecosystem because these organisms feed salmon, herring, Pollack, and other species that Youth Plaintiffs rely on.

197. As a result of continuing fossil fuel CO_2 pollution, ocean acidity is rising at least 50 times faster than at any other period in the last 20,000 years. Alaska is particularly prone to ocean acidification due to low temperatures and low salt content of marine waters caused by freshwater input from melting sea ice. The more CO_2 levels rise, the greater ocean acidification will be, eventually completely overwhelming the ability of marine calcifiers to build and maintain their shells, causing substantial loss and impairment to Alaska's fisheries. These implications are dire not only for Alaska's marine life, but also for the Alaskans that rely upon it, including Youth Plaintiffs.

198. The Alaska LNG Project would substantially increase Alaska's CO_2 emissions, causing and accelerating further ocean acidification, with resulting harms to Youth Plaintiffs.

6. Melting Glaciers and Sea Level Rise

199. Continuing climate pollution from fossil fuels is causing glacier melt and retreat in Alaska. Alaska is experiencing the fastest loss of glacier ice on Earth, and the melting of Alaska's glaciers will accelerate with continuing climate pollution. The loss and melting of glaciers in Alaska is altering the landscapes and harming the ecosystems and wild species on which Youth Plaintiffs depend to sustain their lives, health, and cultures.

200. Climate pollution-induced glacial melt has significant ramifications for the freshwater and marine aquatic resources on which Youth Plaintiffs rely, with impacts to drinking water, ecology, wildlife, and fisheries. Melting glaciers alter freshwater and marine ecosystems and habitat, causing changes to stream flow, turbidity, ocean salinity, and ocean currents and circulation. Increased glacier melt can increase stream turbidity and wash salmon eggs from stream beds. As glaciers disappear, freshwater streams can increase in temperature or even dry up entirely, leading to habitat destruction and fish die-offs.

201. Melting glaciers also cause flooding and landslides, causing loss of life, injury, and destruction to property. For example, in August 2023, a climate change-induced outburst flood from a glacial lake sent record volumes of water down the Mendenhall River, causing significant erosion and sweeping trees and entire homes and buildings into the river in Linnea and Bay's community of Juneau. The outbursts are a new phenomenon for Mendenhall Valley and have become a yearly occurrence since 2011.

202. The melting of glaciers is also causing sea levels to rise, including in many areas of Alaska. Rising sea levels are causing and exacerbating flooding, storm surge, erosion, and resulting harms and threats to youth in many coastal and up-river communities in Alaska, including Summer, Cauyaq, and Jamie's communities.

203. The Alaska LNG Project would substantially increase Alaska's climate pollution, causing and accelerating further glacial melting and sea level rise, with resulting harms to Youth Plaintiffs.

7. Increasingly Frequent and Severe Wildfires and Smoke

204. Increasing wildfires and wildfire smoke resulting from climate pollution harm and threaten Youth Plaintiffs' communities, homes, health, safety, and the natural resources on which they rely to sustain their lives, health, and cultures. Wildfires threaten human life; damage and destroy property, infrastructure, and habitat; and create additional air pollution that threatens the lives and health of humans and wildlife.

205. As climate pollution continues, wildfires in Alaska will continue increasing in frequency and severity, burning more acres, and expanding into new areas of the state. Between 1990 and 2020, the zones of activity, intensity, and intervals between major fire years in Alaska all increased. Intervals between major wildfire years shrank from once every decade to roughly once in every five years, a fifty percent increase in the number and size of major wildfires in thirty years. The number of wildfire seasons burning over a million acres increased fifty percent over the same time span. Continuing climate pollution risks triggering tipping points after which increasing wildfires turn Alaska's forests, which have historically served as carbon sinks, into net sources of GHG emissions.

206. Exposure to wildfire smoke causes, and increases Youth Plaintiffs' risk of, premature death, adverse chronic and acute cardiovascular and respiratory health outcomes, cancer, reproductive problems, and other medical problems.

207. The Alaska LNG Project would substantially increase Alaska's climate pollution, which will increase the frequency and severity of wildfires in Alaska, with resulting harms to Youth Plaintiffs.

F. As Youth and Children, Youth Plaintiffs Are Uniquely Vulnerable to Climate Change Injuries and Face Disproportionate Harms from the Alaska LNG Project

208. The physiological features of Youth Plaintiffs, as youth and children, make them disproportionately vulnerable to the climate harms that would result from the substantial climate pollution of the Alaska LNG Project. Children's still-developing organs, such as the lungs and brain, and behavioral patterns make them particularly vulnerable to increasing temperatures, wildfire smoke, and other harms resulting from climate disruption. Childhood exposure to climate disruptions can result in impaired physical and cognitive development with life-long consequences.

209. As youth and children, Youth Plaintiffs are also disproportionately injured by the psychological (cognitive, emotional, social, and functional) effects of the climate crisis, harming their psychosocial health and wellbeing. Experiencing and expecting dangerous climate harms can be traumatic, with lasting consequences for mental health, especially for developing youth. Childhood is a stage of life when a person is most susceptible to psychological damage. The disturbances in childhood from the climate crisis can harm brain development and permanently and adversely affect the prefrontal cortex, with lifelong adverse consequences. Psychological health harms related to climate disruption include elevated levels of anxiety, depression, post-traumatic stress disorder, increased incidences of suicide, substance abuse, social disruptions like increased violence, and a distressing sense of loss. Many of the Youth Plaintiffs are already experiencing harms

to their psychological and emotional health because of their climate injuries, from anticipating further injuries that will result from additional climate pollution, and from having to fight for their future against additional climate pollution. As governments pursuit projects like the Alaska LNG Project and increase rather than decrease climate pollution, the psychological harms intensify. Conversely, youth find relief from the psychological harms of the climate crisis when governments reduce and prevent climate pollution.

210. As youth and children, Youth Plaintiffs are also disproportionately vulnerable to the climate disruption that would result from the substantial climate pollution of the Alaska LNG Project because, with continued climate pollution, they will face worse and more frequent climate harms in their lifetime than today's generation of adults.

211. As youth and children, Youth Plaintiffs will also disproportionately experience the harms of the climate crisis in comparison to current generations of adults because, with continuing climate pollution, population declines, extinctions, and other harms to species and other public trust resources on which they rely to sustain their lives, health, and cultures will continue to increase. With continuing climate pollution, access to those resources that remain will also continue to become more dangerous and difficult for youth and future generations as they grow older, including Youth Plaintiffs. Continuing climate pollution will increasingly limit the access of youth and future generations of young Alaskans, including Youth Plaintiffs, to the natural resources necessary to sustain their lives, health, and cultures.

COUNT 1

Violation of Youth Plaintiffs' Rights of Equal Access Under the Public Trust Doctrine Alaska Constitution, Article VIII, Sections 3, 15, and 17

212. Youth Plaintiffs hereby re-allege and incorporate by reference each of the allegations set forth above.

213. Article VIII, sections 3, 15 and 17 set forth the equal access clauses of Alaska's Constitution. Article VIII, sections 3, 15 and 17 guarantee equal access to Alaska's public trust resources and constitutionalize the public trust duties for Defendants to manage public trust resources with loyalty and impartiality to present and future generations of beneficiaries, including Youth Plaintiffs. Article VIII, section 3, 15, and 17 prohibit Defendants from discriminating against youth and future generations by substantially limiting their access to public trust resources relative to past and present generations of adults. Youth and future generations are a protected user group of public trust beneficiaries with equal status to past and present generations of adults. Youth and future generations are similarly situated to present and past generations of Alaskans with respect to their reliance on and need to access Alaska's public trust resources for their lives, health, safety, cultural traditions and identities, and economic livelihoods.

214. By carrying out the mandate of AS § 31.25.005(1) and (5) to advance and develop the Alaska LNG Project, Defendants are unconstitutionally discriminating against youth and future generations, including Youth Plaintiffs, in violation of Article VIII, sections 3, 15, and 17. The Alaska LNG Project would substantially increase Alaska's climate pollution and resulting climate changes in Alaska, harming and substantially limiting Youth Plaintiffs' access, use, and enjoyment relative to past and current generations of adults to the public trust resources they require for their lives, health, safety, cultural traditions and identities, and economic livelihoods. Youth Plaintiffs will disproportionately experience the catastrophic impacts of climate destabilization and ocean

acidification that would result from the Alaska LNG Project. Adults living today will not experience the full scope or degree of catastrophic climate-related harms that Youth Plaintiffs will experience. Defendants' unconstitutional discrimination pursuant to AS § 31.25.005(1) and (5) against present and future generations of Alaska's youth, including Youth Plaintiffs, is *per se* impermissible in violation of Defendants' duties of loyalty and impartiality, as constitutionalized under the equal access clauses of Article VIII.

215. Nor can AS § 31.25.005(1) and (5) meet any other level of scrutiny under the equal access clauses of Article VIII. AS § 31.25.005(1) and (5)'s mandate to advance and develop the Alaska LNG Project is not "designed for the least possible infringement on article VIII's open access values." *McDowell v. State*, 785 P.2d 1, 10 (Alaska 1989). Technologically and economically feasible means of raising revenue, supporting economic development, and providing energy are readily available that do not substantially limit access to and continuing availability of the public trust resources youth and future generations, including Youth Plaintiffs, require for their lives, health, safety, cultural traditions and identities, and economic livelihoods. The climate changes that will result from the Alaska LNG Project will undermine Alaska's economy.

216. Unless declared unconstitutional and enjoined by the Court, Defendants will continue to implement AS § 31.25.005(1) and (5) in violation of the constitutional rights of Youth Plaintiffs under Article VIII section 3, 15, and 17 of Alaska's Constitution.

217. As a result of the unconstitutionality of AS § 31.25.005(1) and (5), Youth Plaintiffs are entitled to declaratory and injunctive relief.

COUNT 2

Violation of Youth Plaintiffs' Right to Sustained Yield of Public Trust Resources Free from Substantial Impairment
Alaska Constitution, Article VIII, Section 4

218. Youth Plaintiffs hereby re-allege and incorporate by reference each of the allegations set forth above.

219. Defendants, as trustees under Article VIII, have duties to present and future generations of Alaskans, including Youth Plaintiffs, to refrain from acting in a manner that abdicates control of public trust resources, alienates public trust resources from the trust, or results in substantial impairment or waste of public trust resources.

220. Defendants' duties to maintain the corpus of public trust resources in perpetuity for the benefit of present and future generations, including Youth Plaintiffs, is constitutionalized, in part, in the sustainable yield clause of Alaska's Constitution, Article VIII, section 4. Article VIII, section 4 states that "fish, forests, wildlife, grasslands and all other replenishable resources belonging to the State shall be utilized, developed and maintained on a sustained yield principle, subject to preferences among beneficial uses."

221. By carrying out the mandate of AS § 31.25.005(1) and (5) to advance and develop the Alaska LNG Project, Defendants are unconstitutionally violating their duties and Youth Plaintiffs' corresponding rights under Article VIII, section 4 of Alaska's Constitution. The Alaska LNG Project would substantially increase climate pollution and the devastating impacts of climate change to the atmosphere, waters, fisheries, wildlife, and other public trust resources of Alaska which youth and future generations, including Youth Plaintiffs, require for their lives, health, safety, cultural traditions and identities, and economic livelihoods. AS § 31.25.005(1) and (5) threaten to substantially exacerbate Alaska's climate crisis, causing and contributing to increasingly dramatic population reductions, extinctions, and other devastating harms to Alaska's fish, wildlife, flora, and other replenishable resources, thereby unconstitutionally abdicating control over,

alienating, and causing substantial impairment to Alaska's public trust resources in violation of Defendants' constitutional duty under Article VIII, section 4 to apply sustained yield principles in the management of Alaska's public trust resources. AS § 31.25.005(1) and (5)'s mandate to advance and develop the Alaska LNG Project is incompatible with Defendants' constitutional duty to apply sustained yield principles in the management of Alaska's public trust resources and Youth Plaintiffs' corresponding rights.

222. Unless declared unconstitutional and enjoined by the Court, Defendants will continue to implement AS § 31.25.005(1) and (5) in violation of the constitutional rights of Youth Plaintiffs under Article VIII, section 4 of Alaska's Constitution.

223. As a result of the unconstitutionality of AS § 31.25.005(1) and (5), Youth Plaintiffs are entitled to declaratory and injunctive relief.

COUNT 3
Violation of Youth Plaintiffs' Right to a Climate System
That Sustains Human Life, Liberty, and Dignity
Alaska Constitution, Article VIII and Article 1, Section 7

224. Youth Plaintiffs hereby re-allege and incorporate by reference each of the allegations set forth above.

225. The right to a climate system that sustains human life, liberty, and dignity is a fundamental right protected under Article VIII and Article I, section 7 of Alaska's Constitution. The right to a climate system that sustains human life, liberty, and dignity is necessary for sustainable yield of, continuing access to, and continuing availability of Alaska's public trust resources as necessary to provide for Youth Plaintiffs' basic human needs, including sufficient access to clean, air, water, shelter, and food. The fundamental right to a climate system that "sustain[s] human life, liberty, and dignity" is "the bare minimum when it comes to the inherent human rights to which the Alaska Constitution is

dedicated." *Sagoonick v. State*, 503 P.3d 777, 805, 808 (Alaska 2022) (Maassen & Carney, JJ., dissenting in part) (citing Alaska Const. art I, § 1). The right to a climate system that sustains human life, liberty, and dignity is both necessary for and foundational to the explicitly enumerated rights reserved by the Alaska Constitution. Without a climate system that of sustains human life, liberty, and dignity, Youth Plaintiffs cannot grow to adulthood in safety, live long healthy lives, provide for their basic human needs, safely raise families, learn and practice their religious and spiritual beliefs, learn and transmit their cultural traditions and practices, maintain their personal security and bodily integrity, or lead lives with sufficient access to clean air, water, shelter, and food.

226. The mandate of AS § 31.25.005(1) and (5) and Defendants' implementing actions to advance and develop the Alaska LNG Project substantially burden Youth Plaintiffs' fundamental right to a climate system that sustains human life, liberty, and dignity. At a time when the scientific consensus is that GHG emissions must be rapidly reduced to avert catastrophic harm, the Alaska LNG Project would substantially increase Alaska's climate pollution, causing existential harm to Youth Plaintiffs and the critical natural resources on which their lives, health, safety, and cultural identities and traditions depend.

227. AS § 31.25.005(1) and (5) are not supported by any compelling state interest that justifies infringing Youth Plaintiffs' fundamental right to a climate system that sustains human life, liberty, and dignity. AS § 31.25.005(1) and (5)'s mandate to advance and develop the Alaska LNG Project is not narrowly tailored to achieve any compelling interest underlying the statute. Technologically and economically feasible means of raising

revenue, supporting economic development, and providing energy are available which do not substantially burden Youth Plaintiffs' rights.

228. Nor can AS § 31.25.005(1) and (5) meet any other level of constitutional scrutiny. AS § 31.25.005(1) and (5)'s mandate to advance and develop the Alaska LNG Project bear neither a close and substantial nor a rational relationship to achieving any legitimate government interest. When alternative means of raising revenue, supporting the economy, and providing energy are technologically and economically feasible, it is not rational to cause existential harm to children and the critical public trust resources on which they depend for their lives, health, safety, and culture identities and traditions. The climate changes that will result from the Alaska LNG Project undermine Alaska's economy.

229. Unless declared unconstitutional and enjoined by the Court, Defendants will continue to implement AS § 31.25.005(1) and (5) in violation of the constitutional rights of Youth Plaintiffs to a climate system that sustaining human life, liberty, and dignity.

230. As a result of the unconstitutionality of AS § 31.25.005(1) and (5), Youth Plaintiffs are entitled to declaratory and injunctive relief.

PRAYER FOR RELIEF

WHEREFORE, Youth Plaintiffs respectfully requests that the Court:

1. Adjudge and declare that AS § 31.25.005(1) and (5) violate Youth Plaintiffs' public trust rights to equal access to public trust resources under Article VIII, section 3, 15, and 17 of Alaska's Constitution.

2. Adjudge and declare that AS § 31.25.005(1) and (5) violate Youth Plaintiffs' public trust rights to sustained yield of public trust resources free from substantial impairment under Article VIII, section 4 of Alaska's Constitution.

3. Adjudge and declare that Youth Plaintiffs have a fundamental right to a climate system that sustains human life, liberty, and dignity under Article VIII and/or Article I, section 7 of Alaska's Constitution.

4. Adjudge and declare that AS § 31.25.005(1) and (5) violate Youth Plaintiffs' right to a climate system that sustains human life, liberty, and dignity under Article VIII and/or Article I, section 7 of Alaska's Constitution.

5. Enjoin Defendants from taking any further actions to advance or develop any component of the Alaska LNG Project, including transferring, directly or indirectly, including through any AGDC subsidiary or the transfer of any interest therein, any interest in, or permit, license, authorization, or approval for the construction, development, or operation of the Alaska LNG Project.

6. Declare that Youth Plaintiffs are the prevailing party and award them all costs and attorney's fees to which they are entitled to pursuant to Civil Rule 79 and AS § 09.60.010(c)(1); and

7. Award Youth Plaintiffs such other and further relief as the Court deems just and equitable.

Respectfully submitted this 22nd day of May, 2024.

Attorneys for Youth Plaintiffs

_____
Brad D. De Noble, ABA #9806009
De Noble Law Offices LLC
11517 Old Glenn Hwy, Suite 202
Eagle River, Alaska 99577

Andrew L. Welle*
Joanna Zeigler*
Our Children's Trust

1216 Lincoln Street
Eugene, Oregon 97401
Attorneys for Plaintiffs

*Counsel to seek admission *pro hac vice*