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Attorneys for Appellants

IN THE SUPREME COURT OF THE STATE OF ALASKA

ESAU SINNOK; LINNEA L., a minor,)
by and through her guardian, HANK)
LENTFER; TASHA ELIZARDE;)
CADE TERADA; KAYTLYN KELLY;)
BRIAN CONWELL; JODE SPARKS;)
MARGARET “SEB” KURKLAND;)
LEXINE D., a minor, by and through)
her guardian, BERNADETTE)
DEMIENTIEFF; ELIZABETH)
BESSENYEY; VANESSA DUHRSEN;)
ANANDA ROSE AHTAHKEE L., a)
minor, by and through her guardian,)
GLEN “DUNE” LANKARD; GRIFFIN)
PLUSH; CECILY S. and LILA S.,)
minors, by and through their guardians,)
MIRANDA WEISS and BOB)
SHAVELSON; and SUMMER S., a)
minor, by and through her guardian,)
MELANIE SAGOONICK,)
)
Appellants,)
)
v.)
)
STATE OF ALASKA; WILLIAM)
WALKER, Governor of the State of)

Alaska, in his official capacity;)
ALASKA DEPARTMENT OF)
ENVIRONMENTAL)
CONSERVATION; LAWRENCE)
HARTIG, Commissioner of Alaska)
Department of Environmental)
Conservation, in his official capacity;)
ALASKA DEPARTMENT OF)
NATURAL RESOURCES; ALASKA)
OIL AND GAS CONSERVATION)
COMMISSION; ALASKA ENERGY)
AUTHORITY; and REGULATORY)
COMMISSION OF ALASKA,)
))
Appellees.) Sup. Ct. Case No. _____)
))
_____)
Trial Court Case No. 3AN-17-09910 CI)

APPELLANTS’ STATEMENT OF POINTS ON APPEAL

Appellants Esau Sinnok; Linnea L., a minor, by and through her guardian, Hank Lentfer; Tasha Elizarde; Cade Terada; Kaytlyn Kelly; Brian Conwell; Jode Sparks; Margaret “Seb” Kurkland; Lexine D., a minor, by and through her guardian, Bernadette Demientieff; Elizabeth Besseney; Vanessa Duhrsen; Ananda Rose Ahtahkee L., a minor, by and through her guardian, Glen “Dune” Lankard; Griffin Plush; Cecily S. and Lila S., minors, by and through their guardians, Miranda Weiss and Bob Shavelson; and Summer S., a minor, by and through her guardian, Melanie Sagoonick, by and through their attorneys, hereby assert the following points on appeal:

1. The Superior Court erred by misconstruing Counts I through IV of Appellants’ Complaint for Declaratory and Equitable Relief as

presenting a single constitutional claim to an unenumerated substantive due process right to a stable climate system, dismissing the case in full without addressing the other claims presented in Counts I through IV alleging violations of previously recognized constitutional rights.

2. The Superior Court erred by failing to liberally construe and assume the truth of the facts alleged in Appellants' amended complaint regarding the State's energy policy and how the State's affirmative systemic actions implementing that policy exacerbate climate change in violation of Appellants' constitutional rights.
3. The Superior Court erred by determining the constitutional claims raised in Appellants' amended complaint were nonjusticiable under the political question doctrine where Plaintiffs challenge the State's energy policy, reflected in AS 44.99.115(2)(B), and its affirmative systemic conduct in implementing that policy, as violative of Appellants' constitutional rights.
4. The Superior Court erred by determining that reductions in Alaska's greenhouse gas emissions would not redress Appellants' injuries, contrary to this Court's conclusions in *Kanuk v. State, Department of Natural Resources*, 335 P.3d 1088, 1092-95 (Alaska 2014), that the plaintiffs therein, including one of the Appellants here, had injury-

interest standing based on similar harms arising from climate change.

5. The Superior Court erred by determining that Appellants Alaska Department of Environmental Conservation's ("ADEC") and ADEC Commissioner Hartig's denial of Appellants' petition for rulemaking was not arbitrary and erred by not addressing whether that denial violated Appellants' constitutional rights.

DATED this 29th day of November 2018 at Eagle River, Alaska.

Attorneys for Appellants

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