

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

SUMMER SAGOONICK, et al.,)
vs.)
Plaintiff,)
STATE OF ALASKA, et al.)
Defendant.)
_____) Case No. 3AN-24-06508CI

ORDER REGARDING CASE MOTION #7

Having considered the filings related to *Plaintiffs' Motion for Partial Lift of Stay of Discovery* (Case Motion #7), the court DENIES the motion.

IT IS SO ORDERED.

DATED at Anchorage, Alaska this 10 March 2025.



Dani Crosby
Superior Court Judge

3-11-25

I certify that on _____ a copy
of the above was mailed to each of the
following at their address of record:

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

JUL 08 2024

SUMMER SAGOONICK, et al.)
Plaintiffs,)
v.)
STATE OF ALASKA, et al.,)
Defendants.) Case No. 3AN-24-06508CI

3 ~~PROPOSED~~ ORDER GRANTING DEFENDANTS' MOTION TO DISMISS

Plaintiffs are a group of young Alaskans who have filed suit against the State of Alaska, the Alaska Gasline Development Corporation and AGDC's executive (collectively "AGDC" or the State) claiming that the liquified natural gas project contemplated by A.S. 31.25.001(1) and (5) would exacerbate climate change and, thereby, violate their rights under Article I, section 7 and Article VIII, sections 3, 4, 5, and 17 of the Alaska Constitution. The plaintiffs seek injunctive relief to stop the advancement of the Alaska Liquified Natural Gas Project and raise various claims for declaratory relief, including that the Alaska Constitution implicitly provides "fundamental right to a livable climate." Alaska Supreme Court precedent in *Kanuk ex rel. Kanuk v. State*¹ and *Sagoonick v. State*²--addressing substantially similar facts and legal theories--dictate the outcome here. Defendants' motion to dismiss is hereby granted.

¹ 335 P.3d 1088 (Alaska 2014).

² 503 P.3d 777 (Alaska 2022).

The plaintiffs' requests for declaratory and injunctive relief to prevent the development of the Alaska LNG Project are barred by the political question doctrine. The plaintiffs impermissibly ask this Court to substitute its own policy judgement for that of the legislature, which, through enactment of AS 31.25.005(1) and (5) has determined that promotion of the Alaska LNG Project is in the best interest of Alaskans. Just like in *Sagoonick* and *Kanuk*, the plaintiffs challenge the legislature's exercise of its constitutionally delegated responsibility to "provide for the utilization, development, and conservation of all natural resources belonging to the State, including land and waters, for the maximum benefit of the people"³ This Court lacks the authority to second guess the legislature's policy choice. The Alaska Supreme Court has already decided—twice—that balancing competing interests in natural resource development and conservation under Article VIII is a "political question" that is not suitable for judicial resolution and instead is "better directed to the legislative or executive branches of government"—i.e., to the political branches.⁴

Precedent also dictates this Court must decline, on prudential grounds, the plaintiffs' request for a declaratory judgement that they 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." This *exact question* was decided in *Sagoonick*, and that decision controls the outcome here.⁵ Moreover, any such

³ Alaska Const. art. VIII, § 2.

⁴ *Id.*; see also *Sagoonick*, 503 P.3d at 796.

⁵ *Sagoonick*, 503 P.3d at 802 (denying request for "declaratory judgment about *Sagoonick, et. al. v. State of Alaska, et al.* Proposed Order Granting Defendants' Motion to Dismiss

declaration would be unenforceable by the judiciary under the political question doctrine.

The legislature must balance its Article VIII natural resource policy directives within the context of *all challenges* facing Alaska and its people, including new and particularized challenges associated with climate change. Recognizing “a fundamental right to a climate system” by the judiciary would impose boundless and unmeasurable challenges to future actions of both the legislature and executive branches as to how any particular action, past or present “sustains human life, liberty and dignity.” No such constraints are required by Article VIII, so long as the legislature makes natural resources “available for maximum use consistent with the public interest” under Section 1 and does so “for the maximum benefit of its people” under Section 2.

In *Sagoonick*, the Alaska Supreme Court noted that “[courts] do not “provide instruction on *how* the State should determine what action would be for the maximum benefit of the Alaskan people.”⁶ Instead, the Court said that the role of the judiciary is to “ensur[e] that constitutional principles are followed particularly the mandate that ‘natural resources are to be made available for maximum use consistent with the public interest.’”⁷

putative individual fundamental constitutional rights to a stable climate system...” on prudential grounds.)

⁶ *Sagoonick v. State*, 503 P.3d at 788.

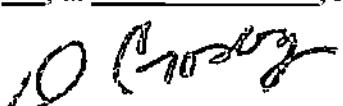
⁷ *Id.* (citing *Sullivan v. REDOIL*, 311 P.3d. 625, 634-35 (Alaska 2013)(quoting Alaska Const. art. VIII, § 2).

Precedent dictates this case must be dismissed on both the political question doctrine and prudential grounds. Important questions regarding climate change mitigation do not present justiciable questions because the Court lacks both the authority and the tools to reweigh the competing economic, environmental, social or conservation goals served by the legislature's policy choice to enact the challenged statute or advance the Alaska LNG Project. The plaintiffs may be frustrated with the policy choices made by their elected officials, but they may not utilize the courts to undercut a valid exercise of the legislature's Article VIII powers. Rather, direct engagement with their elected officials, participation in public awareness campaigns, or becoming involved with Alaska's political process is the proper means to effectuate change.

IT IS SO ORDERED.

MAR 10 2025

DATED _____, 20____, at _____, Alaska.


The Honorable Dani R. Crosby
Superior Court Judge

I certify that on 3.11.25 a copy of the following was mailed/faxed/hand delivered to each of the following at their addresses of record

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