

For Immediate Release:

March 29, 2013

Contacts:

Brook Brisson, Staff Attorney, Trustees for Alaska

907.433.2012

Faith Gemmill, Executive Director, Resisting Environmental Destruction on Indigenous Lands

907.750.0188

Pam Miller, Arctic Program Director, Northern Alaska Environmental Center

907.452.5021 x 24

Alaska Supreme Court Says Constitution Requires Consideration of All Impacts of Oil and Gas Projects

DNR Must Look at the Impacts of Each Phase and Involve the Public

Anchorage, Alaska—Today, the Alaska Supreme Court ruled that the Alaska Constitution requires the Alaska Department of Natural Resources (DNR) to consider all of the impacts from oil and gas development projects before it issues permits for exploration and development. The decision comes in a constitutional lawsuit challenging DNR's Best Interest Finding for the Beaufort Sea Areawide Lease Sale. In its opinion, the Court stated that "the State is constitutionally required to consider the cumulative impacts at later phases of an oil and gas project." Currently, DNR does this only at the outset of oil and gas development, when it issues leases.

"The Inupiat rely on the subsistence resources of the Beaufort Sea to live. Now, before giving permits to corporations to explore and drill, DNR will have to look at what the impacts are, including the cumulative impacts, and include the public in deciding if it's the right thing to do," said Robert Thompson, Chairman of Resisting Environmental Destruction on Indigenous Lands (REDOIL), Inupiat and Kaktovik resident. "This is a good decision for the people like me who rely on these resources and are concerned about the further expansion of development in the Arctic."

Under DNR's current piecemeal review of oil and gas, DNR looks only at the impacts of oil and gas leasing and fails to meaningfully consider the impacts of exploration or development. The Supreme Court's ruling confirms that this practice is unconstitutional, and that the Alaska Constitution requires consideration of all impacts, including those to subsistence resources, fish, wildlife, and our lands and waters, as a fundamental requirement.

"Today the Alaska Supreme Court clarified that our Constitution requires protection of our natural resources in decisions allowing development," said Brook Brisson, Staff Attorney at Trustees for Alaska.

"The Governor's pending legislation to further reduce DNR analysis and public review of oil and gas development would violate this constitutional obligation," said Pam Miller of the Northern Alaska Environmental Center, commenting on how the decision affects Senate Bill 59/House Bill 129. "The Supreme Court's decision makes it clear that DNR has a constitutional obligation to take a hard look at all of the potential impacts of a project — human and environmental costs and cumulative effects in addition to assessing

economic benefits. SB 59 attempts to eliminate review of specific exploration and development projects in favor of blanket approvals over extremely large areas. Under SB 59's 'areawide' approach, DNR can't meet the constitutional requirement to take a hard look at known impacts to subsistence, fish, wildlife and our publicly owned lands and waters."

The adequacy of DNR's 10-year Beaufort Sea Areawide Lease Sale Best Interest Finding to safeguard the public interest pursuant to Article VIII of the Alaska Constitution was challenged by Trustees for Alaska on behalf of Resisting Environmental Destruction on Indigenous Lands (REDOIL), Gwich'in Steering Committee, Alaska Wilderness League, the Center for Biological Diversity, and Northern Alaska Environmental Center.

This press release and the decision are available on the web at: <http://www.trustees.org>.

###