



VIA EMAIL ONLY

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November 22, 2018

Andy Mack, Commissioner
Alaska Department of Natural Resources
550 West 7th Avenue, Suite 1400
Anchorage, AK 99501-3561

Chantal Walsh, Director
Alaska Department of Natural Resources
Division of Oil & Gas
550 West 7th Avenue, Suite 1100
Anchorage, AK 99501-3560

Re: Request for Reconsideration on Cook Inlet Areawide Oil & Gas Lease Sale
Best Interest Finding

Dear Mr. Mack & Ms. Walsh:

Cook Inletkeeper (Inletkeeper) is a public interest group with more than 8000 members and supporters throughout the Cook Inlet watershed.

Inletkeeper files this request for reconsideration because DNR did not make even a cursory effort to discuss the relationship between more oil and gas leasing in Cook Inlet and climate change in the region in the Best Interest Finding (BIF). The BIF is over 300 pages long, yet it mentions the phrase "climate change" just seven times, and nowhere in the context of anthropogenic climate change.

In addition to DNR's legal and policy obligations, you have a moral duty to act, and you clearly have the discretion and authority to discuss climate change in the final BIF. Alaska is on the front lines of rapid climate change, and human-caused climate change is the single gravest threat facing the habitability of our planet. The Intergovernmental Panel on Climate Change's (IPCC) recent Special Report on Global Warming¹ reflects the best science available on the perils

¹ IPCC, *Global Warming of 1.5°C, an IPCC special report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of*

posed by the very same business-as-usual approach embraced in the BIF, and it issues a stark warning: human-caused greenhouse gas emissions must decline to net-zero by around 2050 if we hope to stave off cataclysmic disruptions to our weather, our ecosystems, our food chains, our water cycles and our social systems.

Pursuant to AS 38.05.035(e)(1)(B), DNR has discretion to define the scope of administrative review for the BIF, and it clearly may address climate change as a reasonably foreseeable effect stemming from additional oil and gas leasing. The only hurdle here is whether you believe Alaskans deserve a full accounting of the true costs and benefits of oil and gas leasing in Cook Inlet by including a climate change discussion in the final BIF.

While DNR may argue the potential effects of oil and gas production from the sale region are minimal on a global scale, and that such impacts cannot reasonably be traced to effects in Cook Inlet, the fact is that every incremental increase in emissions has an effect, and those effects invariably play out in Cook Inlet.

As stated by Hans-Otto Pörtner, Co-Chair of the IPCC Working Group II, "Every extra bit of warming matters, especially since warming of 1.5°C or higher increases the risk associated with long-lasting or irreversible changes, such as the loss of some ecosystems."²

As noted by Governor Walker in Alaska Administrative Order No. 289, anthropogenic climate change is causing myriad, tangible impacts in the Cook Inlet watershed and other areas in the state today.³ Warming marine and fresh waters, receding glaciers, warmer air temperatures, insect infestations and otter, seabird and mollusk die-offs are but some of the generalized impacts. As the Governor's Climate Action Leadership Team (CALT) aptly noted: "As America's only Arctic state, we are experiencing first-hand the rapid effects of a changing climate. Those changes create very real and, potentially, devastating threats to our ways of life."⁴ In fact, the CALT recommendations to reduce greenhouse gas emissions, and its recognition of the need to transition away from a fossil fuel-based economy, make it plain our continued reliance on oil and gas is not in the best interest of Alaskans if we hope to avoid serious social, economic and ecological disruptions.⁵

climate change, sustainable development, and efforts to eradicate poverty (Oct. 8, 2018) (available at: https://www.ipcc.ch/news_and_events/pr_181008_P48_spm.shtml).

² *Id.* (emphasis added).

³ Governor Bill Walker, Alaska Admin. Order. No 289 (Oct. 31, 2017)(available at: <https://gov.alaska.gov/admin-orders/289.html>).

⁴ Alaska Climate Action Leadership Team (CALT), Recommended Alaska Climate Policy (Sept. 2018)(available at: http://climatechange.gov.alaska.gov/wp-content/uploads/sites/11/2018/09/Ak_Climate_Policy_brochure_final_web.pdf).

⁵ CALT, Climate Change Action Plan Recommendations to the Governor Sept. 2018)(available at: http://climatechange.gov.alaska.gov/wp-content/uploads/sites/11/2018/09/Ak_Climate_Action_Plan_brochure_final_web.pdf

Request for Reconsideration

November 22, 2018

Page 3

More specifically, human-caused climate change is resulting in direct impacts to the Cook Inlet region. For example, during the recent debate over Ballot Measure 1, the oil and gas industry repeatedly pointed to the “warm blob” in the Gulf of Alaska as a primary driver for low salmon returns in Cook Inlet and beyond. Yet the “warm blob” is simply a manifestation of human-caused climate change.⁶ Similarly, rising ocean acidification in the Gulf of Alaska and Cook Inlet - the result of increased CO₂ from fossil fuel combustion absorbed in our ocean – threatens local fisheries and the coastal communities and economies which rely on them in Cook Inlet.⁷ Additionally, human caused climate is increasing stream temperatures in non-glacial freshwater systems, making Cook Inlet salmon more vulnerable to pollution, predation and disease.⁸ Finally, it’s important to recognize in the BIF that the Cook Inlet region – including the entire Cook Inlet watershed – does not exist in a bubble, and that changes to weather and water conditions in the North Pacific, the Gulf of Alaska and across the state can and do affect hydrologic cycles, ecosystem dynamics and human services in the sale region.

Furthermore, DNR’s refusal to consider climate change in the context of oil and gas leasing in Cook Inlet violates the Alaska’s Constitution’s directive to “encourage ...the development of ... [the State’s] resources by making them available for maximum use consistent with the public interest,”⁹ which informs the best interest finding requirement from the Legislature in AS 38.05.035. There is no reasonable interpretation of the term “consistent with the public interest” which does not include the consideration of climate change when determining whether an oil and gas lease sale in Cook Inlet truly reflects the best interests of all Alaskans.

The very purpose of the Cook Inlet Areawide Leasing scheme is to promote additional oil and gas leasing, exploration, development, production and combustion. These additional emissions will invariably have a foreseeable, additive effect on climate change impacts in the Cook Inlet region and beyond. Furthermore, the Legislature intended the BIF to provide policymakers, businesses and everyday Alaskans with a full range of information – including all the pros and cons of a proposal - to determine whether a disposal of public lands and waters meets the public interest mandates of the Alaska Constitution. Finally, the Legislature granted DNR considerable discretion to include in the BIF reasonably foreseeable effects in the sale region from a lease sale, and as discussed above, climate change impacts from oil and gas in the sale area will undoubtedly affect Cook Inlet in material and longstanding ways.

⁶ John E. Walsh, et al., THE HIGH LATITUDE MARINE HEAT WAVE OF 2016 AND ITS IMPACTS ON ALASKA, American Meteorology Society (Jan. 2018) (available at: <http://www.ametsoc.net/eee/2016/ch8.pdf>).

⁷ See, e.g., J.T. Mathis et al., Ocean acidification risk assessment for Alaska’s fishery sector (Aug. 2015)(available at: <https://www.sciencedirect.com/science/article/pii/S0079661114001141>) (noting “[t]he intensity, extent and duration of ocean acidification in the coastal areas around Alaska will increase.”)

⁸ Sue Mauger et al., Summer temperature regimes in southcentral Alaska streams: watershed drivers of variation and potential implications for Pacific salmon (Sept. 2016)(available at: http://www.nrcresearchpress.com/doi/abs/10.1139/cjfas-2016-0076#.W_cDylRKjGg).

⁹ Alaska Const. Art. VIII, § 1 (emphasis added).

Request for Reconsideration

November 22, 2018

Page 4

Accordingly, Inletkeeper requests reconsideration of your decision, and more specifically, to include a meaningful discussion about anthropogenic climate change in the final BIF, and its impacts in the Cook Inlet region. Furthermore, Inletkeeper requests a stay to the proceedings pursuant to 11 AAC 02.030(f) because it is not in the public interest to have a final BIF which lacks the information needed for Alaskans to fully understand and appreciate the positive and negative effects from the sale on the region's people, lands and waters. Finally, Inletkeeper requests an oral hearing pursuant to 11 AAC 02.030(a)(13) so it may present arguments and evidence showing the tangible effects of climate change, ocean acidification and stream warming in Cook Inlet caused by fossil fuel emissions, and how increased oil and gas leasing in Cook Inlet will aggravate these impacts.

Pursuant to 11 AAC 02.030, my contact information is below, and pursuant to Director's Fee Order Number 3 (June 12, 2018), I am copying here Mr. Jonathon Schick to arrange payment of the \$200 fee for this filing.

Yours for Cook Inlet,



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Jonathan Schick