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STATE OF ALASKA
APPELLATE COURTS

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IN THE SUPREME COURT OF THE STATE OF ALASKA

NELSON KANUK, a minor, by and)
through his guardian, SHARON)
KANUK; ADI DAVIS, a minor, by and)
through her guardian, JULIE DAVIS;)
KATHERINE DOLMA, a minor, by)
and through her guardian, BRENDA)
DOLMA; ANANDA ROSE)
AHTAHKEE LANKARD, a minor, by)
and through her guardian, GLEN)
"DUNE" LANKARD; and AVERY)
and OWEN MOZEN, minors, by and)
through their guardian, HOWARD)
MOZEN;)

Appellants,)

v.)

STATE OF ALASKA, DEPARTMENT)
OF NATURAL RESOURCES,)

Appellee.)

) Supreme Court No. S-14776
) Superior Court No. 3AN-11-07474 CI

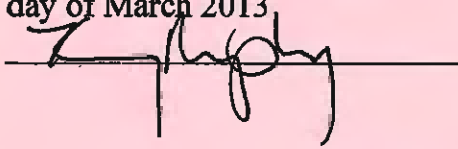
APPEAL FROM THE SUPERIOR COURT,
THIRD JUDICIAL DISTRICT AT ANCHORAGE,
THE HONORABLE SEN K. TAN, PRESIDING

APPELLANTS' SUPPLEMENTAL EXCERPTS OF RECORD

Volume 1 of 1

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Filed in the Supreme Court of
the State of Alaska, this 28th
day of March 2013.



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

NELSON KANUK, a minor, by and through)
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DAVIS, a minor, by and through her)
guardian, JULIE DAVIS; KATHERINE)
DOLMA, a minor, by and through her)
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ROSE AHTAHKEE LANKARD, a minor,)
by and through her guardian, GLEN)
"DUNE" LANKARD; and AVERY and)
OWEN MOZEN, minors, by and through)
their guardian, HOWARD MOZEN;)

Plaintiffs,)

v.)

STATE OF ALASKA, DEPARTMENT)
OF NATURAL RESOURCES,)

Defendant.)

Case No. 3AN-11-07474 CI)

Declaration of Nelson Kanuk
Page 1 of 5

Kanuk et al v. State of Alaska
3AN-11-07474 CI

EXHIBIT A
Page 1 of 5

Exc. 0275

DECLARATION OF NELSON KANUK

I, Nelson Kanuk, declare as follows:

1. I am 16 years old and live in Kipnuk, Alaska. I am an Alaskan Native and a member of the Yup'ik Eskimo Tribe.

2. When I heard Alec Looz speak to hundreds of youth with the Association of Alaska Student Governments in Cordova, Alaska, I decided to sign up to become a member of Kids vs. Global Warming and take action on climate change. I have been a member of Kids vs. Global Warming since April 2011. I am also member of the Alaska Law Enforcement Cadet Corps, a certified apprentice firefighter and a member Sitka Youth Leadership Committee.

3. I first learned about climate change in the third grade. I began to ask questions and read books to understand climate change and its impacts to our world and to my way of life. I learned that climate change is already affecting our lives in Alaska and in my village. I am afraid that my family, village and culture will all be harmed by climate change.

4. I am taking a stand against climate change because of the impacts to my village that I have already experienced and the future impacts that I know will happen if we do not do something about climate change now. I want to make a difference, I want to make a significant contribution to my village and Alaska, and I need help in doing so.

5. I have been personally affected by climate change due to warming temperatures, delayed onset of winter and sea ice formation, permafrost thaw, increased

flooding and erosion.

6. Climate change has adversely affected me and impacted my life by delaying the onset of winter. For example, in Kipnuk, the snow used to start falling early than it does now. Also, the sea ice starts forming later than in the past and melts earlier in the spring. Although this might not seem to be too significant, it is critically important for me, my village and our way of life.

7. One of the reasons the snow and ice are important is because sea ice protects us from storms. Without the ice, the storms pose more danger for us. The elder's have shared this with me.

8. The thawing permafrost around my village is also melting due to the warming temperatures. When the permafrost thaws, it becomes unstable and more easily washes away.

9. Because the temperatures are staying warmer later, we also have more rain and less snow throughout the year. This too contributes to the increased flooding in my village and makes it harder to travel from village to village and to hunting areas.

10. In December 2008, we had the biggest flood I have seen yet. One night, ice and water flooded my village, causing my family, as well as others in my village, to need to temporarily evacuate our homes.

11. Recently, in September 2010, while I was away at school in Sitka, Alaska, my father called me and told me that the rains were causing the waters to rise very quickly, which made me very scared for the safety of my family. Because I was away

and could not get back to Kipmuk, I feared that something terrible may happen to my family or that we may lose my home to the rising waters.

12. Last fall, my father and I measured the distance between our home and the riverbank. The distance was approximately 60 feet. In the beginning of summer 2011, we measured the distance again. Five more feet had eroded, and just a few weeks ago, we lost another 8 feet. In just a few months, we lost 13 feet of land behind our house. If the bank continues to erode, we will have to move. Because the housing in my village is very limited, we do not know where we will move.

13. The flooding also poses health risks to our village. Because most of my village does not have indoor plumbing, my village disposes of sewage by dumping it into a holding pond. When flooding occurs, it causes the sewage ponds to overflow and raw sewage to escape the ponds. We then come into physical contact with the sewage in our daily lives.

14. Climate change also adversely affects my Native culture and way of life. We live a subsistence lifestyle, whereby my family and others in our village hunt and gather food from the land and sea. Because the sea ice is forming later in the year and melting earlier the following spring, we have to change where and when we hunt. The lack of ice means there is less ice for seals and walrus to haul themselves up onto when they rest between searches for food. This, in turn, makes finding them more difficult and hunting them more dangerous.

15. Since I am the oldest of my six siblings and my father has told me that I

am the future foundation of my family, I must prepare for the time when he is no longer here. I am preparing for that future by taking this stand against climate change. I am doing this because when I am an elder, I hope that the generations that come next will get to enjoy the natural resources that we all share today, will be able to stay here in our Native villages and will be able to continue practicing our culture and traditions.

16. I declare under penalty of perjury that the foregoing declaration is true and correct. Neither a notary nor another official empowered to administer oaths is available.

DATED this 11 day of August 2011 at Kipnuk, Alaska.


Nelson Kanuk

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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
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guardian, JULIE DAVIS; KATHERINE)
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by and through her guardian, GLEN)
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v.)

STATE OF ALASKA, DEPARTMENT)
OF NATURAL RESOURCES,)

Defendant.)

) Case No. 3AN-11-07474 CI

DECLARATION OF ADI DAVIS

Declaration of Adi Davis
Page 1 of 3

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EXHIBIT B
Page 1 of 3

Exc. 0280

I, Adi Davis, declare and say:

1. I am 18 years old and live in Homer, Alaska.

I am involved in Girl Scouts, I also cross-country ski in the winter.

2. I became aware of climate change when I helped write a book about women scientists of Kachemak Bay and also watching the documentary An Inconvenient Truth.

3. I heard about this lawsuit from my mentor, Kat Haber. She was able to get me in contact with Kid's vs. Global warming.

4. I am taking a stand against climate change because of the impacts to me and my hometown. I have been personally affected by climate change in many different ways.

5. Due to rising temperatures, spruce bark beetles have infested much of the forests around Homer, killing many of the trees. In 2005 and 2009, there were forest fires near Homer which were made worse due to all of the dead trees. This in turn made the air quality worse which made it less healthy to breathe.

6. I like to look at the glaciers that are across the bay from Homer. However, over the years they have become smaller and smaller. The main glacier I can see is Grewingk Glacier, it retreats 92 feet a year.

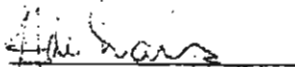
7. Erosion is also a problem in Homer and it has been identified by the U.S. Army Corps of Engineers as one of the Alaska communities that has reported significant impacts related to erosion. I have been told that climate change will make the erosion worse.

Declaration of Adi Davis
Page 2 of 3

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Neither a notary public nor other official empowered to administer oaths is available and I declare under penalty of perjury under the laws of the State of Alaska that the foregoing is true and correct.

Executed on November 6, 2011 in Homer, Alaska.


Adi Davis

Declaration of Adi Davis
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3AN-11-07474 CI

EXHIBIT B
Page 3 of 3

Exc. 0282

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OF NATURAL RESOURCES,)
)
Defendant.) Case No. 3AN-11-07474 CI
)

DECLARATION OF KATHERINE DOLMA

I, Katherine Dolma, declare and say:

1. I am 15 years old and live in Homer, Alaska.

Declaration of Katherine Dolma
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EXHIBIT C
Page 1 of 4

Exc. 0283

2. I am a member of Girl Scout Troop 580, the Homer High School Student Council, EcoLogical, Youth Advisory Council, Syncho Sea Stars, and many other teams and organizations.

3. I am very concerned about the environment. I am actively involved in EcoLogical, which is a group of young women who are working to reduce waste in the Homer landfill by encouraging people to reduce, reuse and recycle. We have been successful in doing so by requesting and having tin recycling and other expansions at the landfill. We also educate people about reducing, reusing and recycling through recycle fashion shows and educating classrooms.

4. I learned about Kids V. Global Warming from Tedx Homer Teens in Spring 2011. I am taking a stand against climate change because it is a very important issue that concerns me and all future generations. I feel that this is an important issue for all Alaskans to know about and speak up and that climate change affects people all over the world.

5. I have been personally affected by climate change in many different ways.

6. I like to hike, camp, canoe, kayak, cross-country ski, and ice skate. Climate change will adversely affect these activities. For instance, I have already had to leave camping trips due to sudden weather changes which have brought about gale force winds and torrential downpours. Also, the snowfall is less constant than it used to be which makes cross-country skiing and sledding less predictable. I also like to go skating at Beluga Lake which I have not been able to do as often as I have in the past due to the warmer temperatures and changing weather patterns.

7. Living in Homer, I like to look across the bay at the six glaciers. Over the years, I have seen the glaciers recede and this makes me sad.

8. I have never had a tree house. I cannot have a tree house because, due to the increased temperatures, spruce bark beetles infested many of the trees in my community and my family had to cut down all of our two hundred year old spruce trees in my backyard when I was three years old.

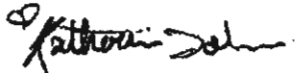
9. Also, due to climate change, there have been more forest fires in our area which impacted the quality of the air. These fires have come within ten miles of our house. During one fire, the smoke was so bad that it caused my mother to go into status asthmaticus. I too have had to breathe the smoky air from these fires which is unhealthy. My friends have experienced forest fires that very nearly burned their house and all of their possessions to the ground.

10. Erosion is also a problem in Homer and climate change is making it worse. One of my friend's grandparents woke up one morning with their front porch hanging over a cliff after they lost 21 feet of their front lawn due to erosion overnight. They almost lost their home and their lives. They moved after this and so I was never able to visit them at their house. This has also made me scared so that I don't walk below bluffs when I walk on the beach and I don't walk on top or near the edge of the bluff.

11. I also have heard that increased temperatures impact salmon streams and reduce the number of salmon. If the air temperatures continue to rise, the water temperatures will also rise and this will impact salmon spawning and result in decreased salmon. Since salmon is a primary food in my family, I am concerned that there will be less salmon for those which it is a staple food in their subsistence diets. Having less salmon to eat will impact me, my family, my friends, community, and all Alaskans.

Neither a notary public nor other official empowered to administer oaths is available and I declare under penalty of perjury under the laws of the State of Alaska that the foregoing is true and correct.

Executed on November 8, 2011 in Homer, Alaska.



Katherine Dolma

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)
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DECLARATION OF GLEN "DUNE" LANKARD

I, Glen "Dune" Lankard, declare and say:

1. I am the parent and guardian of Ananda Rose Ahtahkee Lankard, and live in Cordova, Alaska.

2. I am bringing the foregoing action on behalf of my daughter to protect her right to a clean and healthful environment, her future quality of life and opportunities in Alaska and because climate change is affecting Ananda and her family, traditions, culture and way of life.

3. Ananda was born on May 8, 2010 in Anchorage, Alaska. Ananda is an Alaskan Native and member of the Eyak Athabascan Tribe. Ananda's Eyak name is Ahtahkee.

4. Even though she is an infant, Ananda has been personally affected by climate change in many different ways.

5. Ananda's village and traditional homelands are being subjected to increased flooding and storms in the Gulf due to climate change.

6. Rising temperatures due to climate change are causing dryer forests, therefore, more forest fires and spruce bark beetles in Ananda's traditional homelands.

7. Climate change is also affecting our subsistence way of life by changing the cycles of animals. For instance, the early spring migrations of hooligan and smelt that are an important staple of our subsistence foods have diminished which affects not only our food source but that of all the other animals in the food chain that depend upon the hooligan and smelt.

8. Climate change is causing forests to die, glaciers to recede, wild salmon stocks in the Copper River and Prince William Sound to decline, the loss of salmon habitat and the decline of animals, all of which threaten Ananda's culture, Native traditions and future livelihood.

Neither a notary public nor other official empowered to administer oaths is available and I declare under penalty of perjury under the laws of the State of Alaska that the foregoing is true and correct.

Executed on November 11, 2011 in Cordova, Alaska.



Glen E. "Dune" Lankard Jr.

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DECLARATION OF HOWARD MOZEN

I, Howard Mozen, declare and say:

Declaration of Howard Mozen
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EXHIBIT E
Page 1 of 3

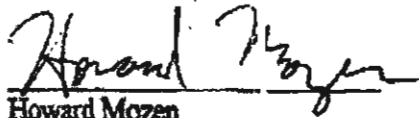
Exc. 0290

1. I am the parent and guardian of Avery and Owen Mozen and we live in Anchorage and McCarthy, Alaska. Avery is 11 years old and Owen is 8 years old.
2. I am bringing the foregoing action on behalf of my children to protect their right to a clean and healthful environment and their future quality of life and opportunities in Alaska.
3. Avery and Owen like to hike, climb, cross-country ski, ice skate and participate in other outdoor activities.
4. Avery and Owens are very concerned about the environment and the impact of climate change. Due to their mother, Elizabeth Schafer being a ranger for the Wrangell St. Elias National Park and studying the effects of climate change as well as giving presentations thereon, Avery and Owen are very aware of climate change and what it is doing to the environment. They are taking a stand against climate change and became involved in this lawsuit because they are concerned and worried about what it is doing to the environment.
5. Climate change is personally affecting Avery and Owen in many different ways.
6. The primary way that Avery and Owen have been affected by climate change is due to the fact that they live next to the Kennicott Glacier in McCarthy, Alaska. Avery and Owen like to look at the glacier and they see that it keeps shrinking. They understand that rising temperatures caused by climate change are causing the shrinking and this makes them upset. Each summer, they walk to the glacier and it takes them longer to get there each year.
7. Avery and Owen also like to cross-country ski and ice-skate in the winter. Due to climate change causing weather patterns to change and become less constant, the number of days that they can cross-country ski and ice skate each winter season are less.

8. Due to their mother's work as a ranger and the presentations that she regularly gives, Avery and Owen really understand the connection between atmospheric pollution and climate change so it makes them very upset that we are polluting the atmosphere.

9. Neither a notary public nor other official empowered to administer oaths is available and I declare under penalty of perjury under the laws of the State of Alaska that the foregoing is true and correct.

Executed on November 11, 2011 in Anchorage, Alaska.


Howard Mozen