

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
OFFICE OF THE COMMISSIONER

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April 27, 2007

Mr. Michael J. Frank
Trustees for Alaska
1026 W. 4th Avenue
Anchorage, AK 99501

Re: Petition to Adopt Rules on Greenhouse Gas Emissions

Dear Mr. Frank:

I am responding to your March 29, 2007 letter petitioning the Department of Environmental Conservation (DEC) to adopt new regulations requiring emitters of significant amounts of greenhouse gas emissions to quantify and report those emissions and fuel usage to the DEC. While the petition makes a number of points and suggests a number of actions with which we agree, my decision is to decline to proceed to rulemaking at this time. Let me explain.

To begin with, we agree that available data and analyses show Alaska is experiencing a warming trend and that the potential effects, particularly in the polar latitudes, are alarming. We agree that there is a need for government leadership in areas such as informing the public; in predicting, mitigating and adapting to change; and in addressing the causes. We agree that DEC likely has the statutory authority to adopt a mandatory reporting rule. We agree many of the elements and details suggested for a proposed rule merit consideration. Finally, we agree that an inventory of greenhouse gas emissions is among the logical first steps in addressing anthropogenic causes of climate change. There is much about the petition with which we agree.

It seems obvious that efforts to address the sources of greenhouse gases would start with an inventory. As you know, DEC has completed a first level inventory of greenhouse gas emissions through a project sponsored by the Western Governors Association and executed by the Center for Climate Strategies. When this report was released we expected it would stimulate requests for further analyses. We recognize its shortcomings. The Division of Air Quality is proceeding with another contract to improve the inventory using the same investigators.

Over the course of the rest of the year, we intend to markedly advance the quality and detail of the inventory. In addition to the contract with the Center for Climate Strategies, we have initiated other efforts to fill in gaps and refine the inventory.



In some cases, we will be calculating greenhouse gas emissions from information already reported by permittees. In other cases, we may request additional information or exercise our current authorities to compel provision of additional information. The improved inventory will be made available to the public by the end of this year.

We are following the efforts of other states and Congress to develop agreements or legislation mandating the creation of greenhouse gas emission inventories or registries. We are also following related efforts to identify reliable methods and procedures to measure, track, and report greenhouse gas emissions. We believe the inventory we have now, coupled with the work we have planned, will be sufficient for Alaska to participate in discussions regarding these contemplated agreements and proposed legislation, which is the current need.

Once we have assembled a relatively detailed and accurate inventory, we will consider the need for additional advancements and periodic updates. Certainly a mandatory reporting rule as you propose would be one method of getting this more detailed information, though there may be others. Our experience assembling the first complete inventory, coupled with a better understanding of any emerging federal or other requirements regarding tracking greenhouse gas emissions will help guide our next steps in developing a more detailed inventory.

We have also been engaged in discussions with other states regarding methods and protocols for calculating and tracking greenhouse gases other than carbon dioxide. We recognize further work is needed to develop reliable methods and procedures and we will continue to follow the work led by other states as we assess what Alaska needs to have in place for the future. We need to avoid prematurely adopting methods that are either unreliable or incompatible with regional or national efforts.

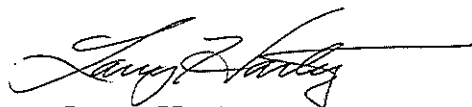
Obviously DEC wants to avoid the waste and unnecessary impacts of adopting regulations now that won't meet Alaska's needs later. We can mitigate that risk by proceeding deliberately, aiming our efforts in full light of emerging initiatives, policies and needs.

On the broader matter of state leadership on climate change, I ask you to recognize that this Administration's efforts are new. We are beginning essentially from scratch and without the benefit of prior or continuing efforts on which to build. Although we intend to proceed with all due speed, it will take some time to chart a course. We expect that our work at DEC will be part of a broader initiative, and that we will be guided and supported by the University, and other state agencies. We also expect that there will be opportunities for the public to help shape the direction of the State's climate change efforts. The timing of your petition, arriving before we have a fully developed plan, would have us making decisions we simply are not yet prepared to make.

I appreciate your interest and efforts. The petition is extraordinarily well done and obviously required substantial thought and time to prepare. I would welcome your

clients' and your continuing input as we set about assessing and addressing the causes and effects of climate change. I will also bear in mind the concepts embodied in the petition as we move ahead.

Sincerely,

A handwritten signature in cursive script, appearing to read "Larry Hartig", with a long horizontal flourish extending to the right.

Larry Hartig
Commissioner

cc: Joe Balash, Special Staff Assistant, Office of the Governor
Dan Easton, Deputy Commissioner, DEC
Tom Chapple, Director, Division of Air Quality, DEC
Steve Mulder, Assistant Attorney General, DOL