

Judge Overturns Mining Restrictions

Associated Press

ANCHORAGE, Alaska (AP) — A state judge this week overturned a 2011 Bristol Bay community initiative to restrict large-scale mining, a victory for backers of the proposed Pebble Mine.

Superior Court Judge John Suddock ruled Wednesday that the Lake and Peninsula Borough's "Save our Salmon" initiative conflicts with existing state authority, KTUU (<http://is.gd/AnWVZT> [1]) reported.

The initiative, passed by borough voters, sought to ban large-scale resource extraction, including mines, that would destroy or degrade salmon habitat.

Pebble developers saw the initiative as an attempt to kill the project. The Pebble Limited Partnership and state had asked Suddock to strike down the proposal, arguing it wrongly elevated the borough's role above the state's role in overseeing natural resources.

Suddock's decision grants the Pebble partnership summary judgment in its challenge of the initiative. The measure would bar mines larger than 640 acres from having an "adverse effect" on coastal resources or the balance of resources within the region.

A borough attorney has said that with the initiative, the borough wasn't prohibiting mining but prohibiting harm to salmon.

In his ruling, the judge said the initiative would not constitute an effective ban on large-scale mining. Suddock said the case, however, turned whether the initiative could countermand the state's regulatory authority over mines.

State lawmakers have granted the Alaska Department of Natural Resources "charge of all matters affecting the mineral resources of the state," Suddock said.

Pebble spokesman Mike Heatwole hailed the decision. "(The) main point is that the court held that the state gets to evaluate and decide on Pebble via its rigorous permitting process," Heatwole wrote in an email to KTUU.

The initiative's sponsors, George Jacko and Jackie Hobson, said in a prepared statement that they disagree with the decision and believe it is full of legal and factual errors. They said they are exploring legal options, including asking for a review by the Alaska Supreme Court.

"The entire purpose of the SOS Initiative was to ensure that local voices had a seat at the table in any discussion of large-scale mining's impacts on the priceless salmon habitat in the Bristol Bay region," the sponsors wrote. "The scope of the

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decision, which essentially forecloses on any local governmental role in resource development issues, is breathtaking with potential implications for existing laws from Barrow, to Fairbanks, to Juneau."

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[1] <http://is.gd/AnWVZT>