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Lieutenant Governor Sean Parnell

March 11, 2008

Arthur J. Hackney
2931 Captain Cook Estates Circle
Anchorage, AK 99517

Re: 07WTR3 Initiative Petition

Dear Mr. Hackney:

Except for those issues currently being litigated, I have reviewed your petition for the initiative entitled "*An Act to protect Alaska's clean water*" and have determined that the petition was properly filed. To date, the Division of Elections has verified 26,503 signatures, exceeding the 23,831 signature requirement based on the 2006 General Election. In addition, the petition exceeds the statutory requirements that it be signed by qualified voters (1) equal in number to 10 percent of those who voted in the preceding general election; (2) resident in at least three-fourths of the house districts in the state; and (3) who, in each of the house districts, are equal in number to at least seven percent of those who voted in the preceding general election in the house district. A copy of the Petition Statistics Report prepared by the Division of Elections is enclosed.

Pending resolution of litigation regarding this initiative and unless otherwise directed by the Alaska Supreme Court, this ballot proposition will appear on the election ballot of the first statewide general, special, or primary election that is held after (1) the petition has been filed; (2) a legislative session has convened and adjourned; and (3) a period of 120 days has expired since the adjournment of the legislative session. Barring an unforeseen special election, this proposition is scheduled to appear on the August 26, 2008 Primary Election ballot. If a majority of the votes cast on the initiative proposition favors its adoption, the proposed law is enacted, and I shall so certify. The act becomes effective 90 days after certification.

With the assistance of the attorney general, I have prepared the following ballot title and proposition that meets the requirements of AS 15.45.180:

BILL PROVIDING FOR REGULATION OF WATER QUALITY

This bill imposes two water quality standards on new large scale metallic mineral mining operations in Alaska. The first standard does not allow such a mining operation to release into water a toxic pollutant that will adversely affect human health or the life cycle of salmon. The second standard does not allow such a mining operation to store mining wastes and tailings that could release sulfuric acid, other acids, dissolved metals or other toxic pollutants that could adversely affect water that is used by humans or by salmon. The bill defines a large scale metallic mineral mining operation to mean a metallic mineral mining operation that is in excess of 640 acres in size. The bill defines

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toxic pollutants to include substances that will cause death and disease in humans and fish, and includes a list of substances identified as toxic pollutants under federal law.

Should this initiative become law?

Please be advised that under AS 15.45.210, this petition will be void if I, with the formal concurrence of the attorney general, determine that an act of the legislature—that is substantially the same as the proposed law—was enacted after the petition has been filed and before the date of the election. I will advise you in writing of my determination in this matter.

Because your petition was properly filed, you will receive a refund of your \$100 deposit that accompanied your application. By copy of this letter, I am directing Administrative Services to issue a warrant to that effect. If you have questions or comments about the ongoing initiative process, please contact my special assistant, Jason Hooley, at (907) 465-4082.

Sincerely,



Sean Parnell
Lieutenant Governor

Enclosures

cc: Talis Colberg, Attorney General
Gail Fenumiai, Director of Elections
Linda Perez, Administrative Services Director