



Lieutenant Governor Byron Mallott
STATE OF ALASKA

October 20, 2017

Mike Wood
P.O. Box 773
Talkeetna, Alaska 99676

Dear Mr. Wood,

Today the State of Alaska filed an appeal to the Alaska Supreme Court in *Stand for Salmon v. Mallott*. Although I believe an appeal was the right thing to do, I want to make it abundantly clear that this decision is based solely on the Alaska Department of Law's unbiased analysis of the constitutionality of your proposed initiative.

I declined to certify 17FSH2 because it made an unconstitutional appropriation of a state asset, anadromous fish and wildlife habitat, by initiative. (Article XI, section 7 of the Alaska Constitution). The issue centers on the Legislature's power to allocate state assets among competing uses and the limits of the initiative process. The State's legal opinion is that 17FSH2, which revises permitting standards for development in anadromous fish habitat, unconstitutionally infringes on the Legislature's discretion to decide how to utilize and manage that habitat among competing uses.

While we disagree with the superior court's legal conclusion, we have complied with Anchorage Superior Court Judge Mark Rindner's ruling and petition booklets for 17FSH2 have been printed and delivered to you. And you can be assured that we will request expedited consideration by the Alaska Supreme Court to ensure there is clarity before ballots are printed for next year's elections.

Despite the spurious claims that my stance is solely political in nature, I want to remind you and all Alaskans that when I became Lt. Governor in 2014 I took an oath of office and swore to "...support and defend the Constitution of the United States and the Constitution of the State of Alaska." I do not take those words for granted. I also believe this is an important issue that our highest court should ultimately decide.

I look forward to the Alaska Supreme Court's final decision that will provide clarity on this very timely and appropriate constitutional question raised by your initiative.

Sincerely,

A handwritten signature in blue ink that reads "Byron Mallott".

Byron Mallott
Lieutenant Governor