



Alaska Conservation Alliance

“A Strong Economy and Healthy Environment Go Hand in Hand”

HB 168: A Bill Protecting Bad Permits at Alaskans’ Expense

What does HB 168 do and why should Alaskans be concerned? HB 168 places a significant financial barrier between Alaskans who want to challenge a flawed permit and the last place to stop them - the courts. If passed, anybody that asks a court to temporarily stop a project while it reviews a flawed permit would need to post a bond to move forward with the case. This will keep regular Alaskans from blowing the whistle on bad permits that threaten our clean air, water, and land.

What is a bond and how much does it cost to post one? A bond, in this case, would be an amount of money a judge requires a party to put up to temporarily stop a project while the court ensures there are adequate protections for clean air, water, and land. The bill sets the bond amount to cover employee wages and contractor payments during the project delay, on top of an amount for lost profits. The amount a plaintiff would be on the hook for could easily reach millions for large projects.

Who does the bill impact? The bill impacts any Alaskan or Alaskan group, including local governments, which may want to stop an improperly permitted project from moving forward. Anybody asking a court to review a permit - and not cause irreparable harm during the review - would need to risk the bond amount.

Does the bill prevent frivolous lawsuits? No. Judges regularly kick cases out of court that do not have any merit. The bill would only impact strong cases raising substantial issues with a permit, supported by evidence.

What permits would this bill impact? Any state-issued permit for an industrial operation - including mining, timber activity, and oil and gas development - would be covered. This bill would effectively prevent court review for a wide variety of permits, from those issued for the Pebble mine to timber activity to construction projects.

Talking Points

HB 168, sponsored by Rep. Feige (R-Chickaloon):

- Punishes Alaskans who bring strong cases for thorough judicial review while protecting sloppily issued permits, government mistakes, and resource extraction corporations
- Alaskans that bring strong permit challenges - to protect our clean air, water, and land – will be forced to risk the costs to a resource extraction corporation for a permit delay just so they can have their day in court which could easily reach into the millions.
- Infringes upon Alaskans’ constitutional rights to access the courts and threatens Alaska’s control over Federal water and air permitting

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