



Council of  
**Alaska Producers**

**Comments HB 47**  
**Injunction Security: Industrial Operations**

February 14, 2014

Representative Wes Keller, Chair  
House Judiciary Committee  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801

Dear Representative Keller,

The Council of Alaska Producers (CAP) is writing to support House Bill 47, an Act requiring a party seeking a restraining order, preliminary injunction, or order vacating or staying the operation of a permit affecting an industrial operation to give security in the amount the court considers proper for costs incurred and damages suffered if the industrial operation is wrongfully enjoined or restrained.

CAP is a non-profit trade association formed in 1992 and serves as a spokesperson for the large metal mines and major metal developmental projects in the state. Bringing together mining companies with interest in Alaska, the Council represents and informs members on legislative and regulatory issues, supports and advances the mining industry, educates members, the media, and the general public on mining related issues, and promotes economic opportunity and environmentally sound mining practices.

Currently, when a plaintiff files an injunction to stop a development project, the delays mean higher costs for the developer and, if the project is enjoined, delays or shutdowns also mean lost wages for employees and contractors. Yet there is very little accountability for the plaintiff.

HB 47 preserves the right of a citizen to appeal or litigate state permits; however it requires them to recognize the financial risk of their actions to other Alaskans. We believe that this bill will encourage public involvement in the early stages of the permitting process and will provide security for Alaskan workers and their families.

Thank you hearing this bill. We encourage the Judiciary Committee to pass it from committee quickly.

Sincerely,

Karen Matthias  
Managing Consultant