

SUPREME COURT OF COLORADO
2 East 14th Avenue
Denver Colorado 80203

ORIGINAL PROCEEDING UNDER
C.R.S. § 1-40-107(2) Appeal from the
Ballot Title Board
(PUBLIC TRUST RESOURCES)

Petitioners: Mizraim Cordero, Scott
Prestidge, and Douglas Kemper
v.

Respondents: Phillip Doe and Sandra
Toland
and

Title Board: Suzanne Staiert, Dan
Domenico, and Jason Gelender

FILED IN THE
SUPREME COURT.

MAY 29 2014

DATE FILED: May 29, 2014

OF THE STATE OF COLORADO
Christopher T. Ryan, Clerk
COURT USE ONLY

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Supreme Court Case No: 2014SA137

PROponents-RESPONDENTS' ANSWER BRIEF

CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with all requirements of C.A.R. 28 and C.A.R. 32, including all formatting requirements set forth in these rules. Specifically, the undersigned certifies that:

X The brief complies with C.A.R. 28(g) because it does not exceed 18 pages.

X The brief complies with C.A.R. 28(k).

For the party raising the issue:

_____ It contains under a separate heading (1) a concise statement of the applicable standard of appellate review with citation to authority; and (2) a citation to the precise location in the record (R. _____, p. _____), not to an entire document, where the issue was raised and ruled on.

For the party responding to the issue:

X It contains, under a separate heading, a statement of whether such party agrees with the opponent's statements concerning the standard of review and preservation for appeal, and if not, why not.

X I acknowledge that my brief may be stricken if it fails to comply with any of the requirements of C.A.R. 28 and C.A.R. 32.



SANDRA TOLAND

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INTRODUCTION

Proponents Phillip Doe and Sandra Toland have reviewed the Opening Brief of the Title Board, and believe that it answers the objections raised by Objectors Cordero and Prestidge and Objector Kemper in their Petitions for Review as well as additional points made in their Opening Briefs and therefore Proponents adopt the Opening Brief of the Title Board. Proponents also believe their Amended Opening Brief, for which Designated Representative Phillip Doe's signature is being filed today, fairly answers points raised by Objectors in their Petitions for Review and Opening Briefs. Therefore, Proponents' Answer Brief will be limited to providing a single additional authority and argument concerning why a broad public trust doctrine including measures for enforcement is essential if the doctrine is to have any meaning or effect and therefore constitutes a single subject.

SUMMARY OF ARGUMENT

The provisions of Initiative 2013-2014 #103 (Public Trust Resources) are all necessary in order for the Public Trust Doctrine to have any meaning or effect in Colorado, and therefore the measure contains a single subject.

ARGUMENT

In *Robinson Twp. v. Commonwealth*, 83 A.3d 901 (Pa. 2013), the Supreme Court of Pennsylvania has recently ruled that Act 13, which among other

provisions prohibited municipalities from regulating oil and gas operations within their localities, is unconstitutional on the grounds that it violates the Environmental Rights Amendment to the Pennsylvania Constitution. The Court stated:

“The public natural resources implicated by the “Optimal” accommodation of industry here are resources essential to life, health, and liberty: surface and ground water, ambient air, and aspects of the natural environment in which the public has an interest. As the citizens illustrate, development of the natural gas industry in the Commonwealth unquestionably has and will have a lasting, and undeniably detrimental, impact on the quality of these core aspects of Pennsylvania’s environment, which are part of the public trust. (Opinion at 975)

By any responsible account, the exploitation of the Marcellus Shale Formation will produce a detrimental effect on the environment, on the people, their children, and future generations, and potentially on the public purse, perhaps rivaling the environmental effects of coal extraction.”
(Opinion at 200)

This opinion suggests why the public trust doctrine is appropriately very broad because the effects of chemical and other sources of pollution, physical damage, and other effects of industrial operations may adversely

affect all aspects of our interconnected environment, as well as our children, their children, and future generations, and therefore must not and cannot be confined to just our air, or water, or other single aspects of our environment taken separately, in order to have any meaningful effect. Accordingly, all of the provisions of Initiative #103 establishing the Public Trust Resources doctrine in Colorado, including reasonable measures aimed at enforcement, are necessary for the doctrine to be meaningful and effective. Therefore, the measure complies with the single subject rule.

CONCLUSION

The Proponents properly substituted a Designated Representative according to the written procedure provided by the Title Board. Initiative #103 further involves a single subject, and the title is not confusing, vague, or misleading.

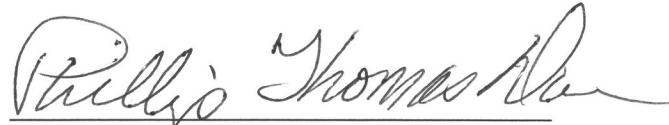
WHEREFORE, Proponents respectfully request that the Petitions for
Review of Petitioners be denied.

Dated: May 29, 2014

Respectfully submitted,



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Certificate of Service

I hereby certify that on May 29, 2014, a true and correct copy of the foregoing ANSWER BRIEF OF PROPONENTS-PETITIONERS was served via hand delivery at the addresses shown below to the following:

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