

Ballot Measure No. 4 - 12BBAY

An Act Providing for Protection of Bristol Bay Wild Salmon and Waters Within or Flowing Into the Existing 1972 Bristol Bay Fisheries Reserve

This bill would require the legislature to approve future large-scale metallic sulfide mines in the Bristol Bay Fisheries Reserve (BBFR) by passing a law. The law would have to find that any proposed mine would not endanger the BBFR fishery. The approval would be in addition to any other required permits or authorizations. The bill defines “large-scale metallic sulfide mining operation” as “a specific mining proposal to extract metals, including gold and copper, from sulfide bearing rock and that would directly disturb 640 or more acres of land.” The bill lets the Department of Natural Resources adopt regulations.

The bill would make findings. The bill’s findings would be that the legislature found the BBFR important by creating it in 1972; that the bill’s protections are necessary; that protecting the waters and wild salmon of the BBFR is of statewide interest based on the region’s fisheries, economic benefits, cultural heritage, and unique wild salmon resources; and that metallic sulfide mining may harm these interests because mines can produce toxins and pollutants. The bill intends the legislature to approve any large-scale metallic sulfide mine in the BBFR or which could adversely affect its watershed.

The bill would apply only to large-scale metallic sulfide mines in the BBFR that lack all required permits, licenses, or approvals before the bill’s effective date.

Should this initiative become law?

Bristol Bay Forever Initiative

Alaska Common Ground Forum

Wednesday, August 13, 7 PM

Wilda Marston Theatre

Anchorage

Bristol Bay Forever Initiative

Advocating a YES Vote:

Christina Salmon – Initiative sponsor, from Iguigig

Anders Gustafson – Renewable Resources Coalition

Advocating a NO vote:

Deantha Crockett – Alaska Miners Association

Richard Hughes – Mining Engineer/Consultant

Format for Tonight's Forum

- Overview of Initiative by Moderator (10 minutes)
- Panelists Statements (7 minutes each)
- Panelists Question each other (10 minutes x4)
 - Answers 2 minutes each side
- Questions from Audience
- Closing statements (2 minutes each panelist)
- Adjourn (9:00 PM)

Ballot Language

Ballot Measure No. 4 - 12BBAY

An Act Providing for Protection of Bristol Bay Wild Salmon and Waters Within or Flowing Into the Existing 1972 Bristol Bay Fisheries Reserve

This bill would require the legislature to approve future large-scale metallic sulfide mines in the Bristol Bay Fisheries Reserve (BBFR) by passing a law. The law would have to find that any proposed mine would not endanger the BBFR fishery. The approval would be in addition to any other required permits or authorizations.

Ballot Language

The bill defines “large-scale metallic sulfide mining operation” as “a specific mining proposal to extract metals, including gold and copper, from sulfide bearing rock and that would directly disturb 640 or more acres of land.” The bill lets the Department of Natural Resources adopt regulations.

Ballot Language

The bill would make findings. The bill's findings would be that the legislature found the BBFR important by creating it in 1972; that the bill's protections are necessary; that protecting the waters and wild salmon of the BBFR is of statewide interest based on the region's fisheries, economic benefits, cultural heritage, and unique wild salmon resources; and that metallic sulfide mining may harm these interests because mines can produce toxins and pollutants.

Ballot Language

The bill intends the legislature to approve any large-scale metallic sulfide mine in the BBFR or which could adversely affect its watershed.

The bill would apply only to large-scale metallic sulfide mines in the BBFR that lack all required permits, licenses, or approvals before the bill's effective date.

Should this initiative become law?

YES NO

Bristol Bay Forever Initiative

YES vote will establish a state law that requires state legislative approval of a large scale (greater than 640 acres) metallic sulfide mine within the Bristol Bay Fisheries Reserve.

The legislature's must find that a "large-scale metallic sulfide mining operation will not constitute danger to the fishery within the Bristol Bay Fisheries Reserve"

Bristol Bay Forever Initiative

NO vote will keep the status quo – the existing federal, state and municipal permitting processes will address any future large scale metallic sulfide mine in the region but the State Legislature will not be required to give final approval

What is a metallic sulfide mine?

- A mine where the minerals occur in sulfidic rock and are susceptible to acid rock drainage from tailings and pits
- Acid rock drainage is carefully regulated but concern is about how it may impact fisheries and water quality, particularly long-term
- Pebble deposit is in sulfidic rock
- Not all Gold and Copper deposits are in sulfidic rock – example of one that is not is Fort Knox

Is this about Pebble?

- This initiative is not a vote to approve or disapprove a future Pebble Mine
- Pebble is within the Bristol Bay Fisheries Reserve and would be a large scale metallic sulfide mine
- Hence, if passed, this would require legislative approval at the end of the permitting process
- Pebble Partnership has not submitted applications to develop a mine
- There are other known mineral deposits within the Bristol Bay Fisheries Reserve that could also be subject to this state law

Is this related to recent EPA actions?

NO

EPA Section 404(C) Study and Proposed Restrictions are
a federal process

Existing Bristol Bay Fisheries Reserve

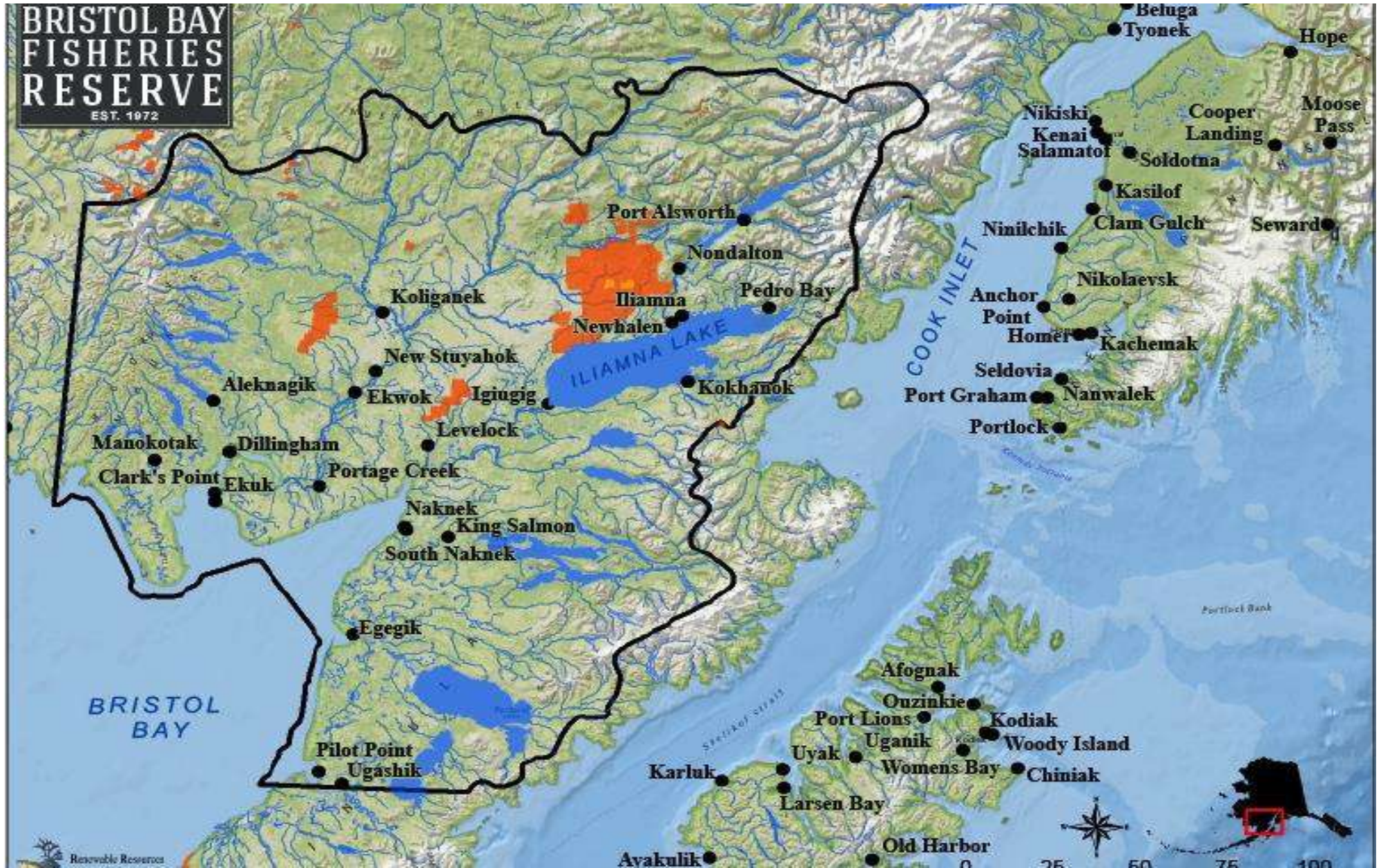
Established in 1972 by legislature

Existing State law is narrow in both focus and geographic area – “a surface entry permit to develop an oil and gas lease or an exploration license May not be issued on state owned or controlled land until the legislature Finds that the entry will not constitute danger to the fishery”.

Existing Bristol Bay Fisheries Reserve

- Includes state submerged lands (tidal lands offshore out to three mile limit) and shorelands (lands under navigable waters)
- Does not require legislative approval for oil and gas leasing or upland oil and gas development
- State has held oil and gas lease sales in the Reserve but there have been no commercial discoveries
Legislature has never been asked to approve “surface entry” for oil and gas within the Bristol Bay Fisheries Reserve

Bristol Bay Fisheries Reserve



Bristol Bay Forever Initiative

- Adds large scale metallic metal mines to actions requiring legislative approval in the Fisheries Reserve
- Broadens geographic area to include the entire drainage, including uplands (not just state controlled waters)
- Applies to all state, private (including Native corporation) and federal lands

Recent Court Actions on Initiative

- Lt. Governor approved the initiative in 2012
- Mining Interests challenged the approval as being “local and special legislation” and an “appropriation” which are topics not allowed by the Constitution to be included in an initiative and also “a violation of separation of powers”
- State Superior Court and Supreme Court (on June 23, 2014) ruled that the initiative was not barred by the Constitution and can be on the November ballot
- Litigation on the Separation of Powers issue may occur if the initiative passes

When do we vote ?

- Initiative was moved from August primary to November general election because of late date of Alaska Legislature adjournment
- Will be ballot measure number 4 on November 4 election
- Title: “An Act Providing for Protection of Bristol Bay

