

ASSOCIATION

BALLOT MEASURE 4 OPPOSITION DISCUSSION

Alaska Common Ground Forum

What Does Ballot Measure 4 do?

- Creates uncertainty and politicizes our scientific permitting process
- Sets undefined and unclear standards: what does "has the potential to adversely affect" mean?
- Sets bad precedent and provides avenue for this type of action to creep to other locations and projects in Alaska
- Imposes additional burden on Legislature and permitting agencies with no added benefit
- Jeopardizes investment, development, and Alaska's economy
- Begs the question does Alaska support responsible resource development?

Ballot Measure 4 and Bristol Bay Fisheries Reserve

- SB2, enacted in 1972, initially contained mining claims as well as oil and gas leases; Legislature struck before bill passage
- Bill became law without signature of then-Governor Egan:

"I would ordinarily be extremely reluctant to accept the sort of Legislative usurpation of administrative function represented in the subject Legislation....However, Bristol Bay salmon runs are a massive and uniquely valuable renewable resource..I cannot find too unacceptable the notion of a limited fisheries reserve in Northern Bristol Bay. In consideration of the above noted observations, I am permitting the Legislation to become law without my signature."

Ballot Measure 4: going beyond the Bristol Bay Fisheries Reserve

- BM4 imposes a completely different effect on the Reserve permitting considerations:
 - Oil and Gas statute passed when no valid leases held in the area and potential lessees put on notice before bidding

For Mining, the initiative places restrictions in place
AFTER mining claims have been staked and \$500
million in exploration and environmental studies have
been completed by claimholder



Ballot Measure 4: UNCONSTITUTIONAL

- The constitutionality of Bristol Bay Fisheries Reserve has never been tested in courts
- Special and local Legislation: one set of rules for one area of the state, and another set for another area?
- Provisions in BM4 were proposed in SB152, by Senator Hollis French in 23rd Legislature: Dept. of Law questioned legality
- Recent hearings before Alaska Supreme Court caused one Justice to express serious concern over separation of powers
- The Legislature makes law, the Administration executes it!

Government Branch Roles

- Legislative \rightarrow Makes Laws
 - - Judicial \rightarrow Evaluates Laws

ALASKA MINERS

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If Ballot Measure 4 is adopted:

- It won't stop Pebble
- If the Pebble project is deemed detrimental to environment, fishery, wildlife, etc., Pebble Partnership will close project and/or permitting agencies will stop it long before it arrives to Legislature
- If project makes it to Legislature, it will have received over 100 permit approvals by multiple federal, state, and municipal agencies
- Denial of project approval by the Legislature at this point would be purely political

Why Should You Vote No?

- Alaska's permitting process should be scientific, not political
- BM4 does not reconcile with Alaska's Constitution
- Discourages investment and stifles Alaska's economy
- These issues are much too complex to discuss via citizen initiatives