



**ALASKA MINERS**  
**ASSOCIATION**

**BALLOT MEASURE 4**  
**OPPOSITION DISCUSSION**

Alaska Common Ground Forum

# What Does Ballot Measure 4 do?

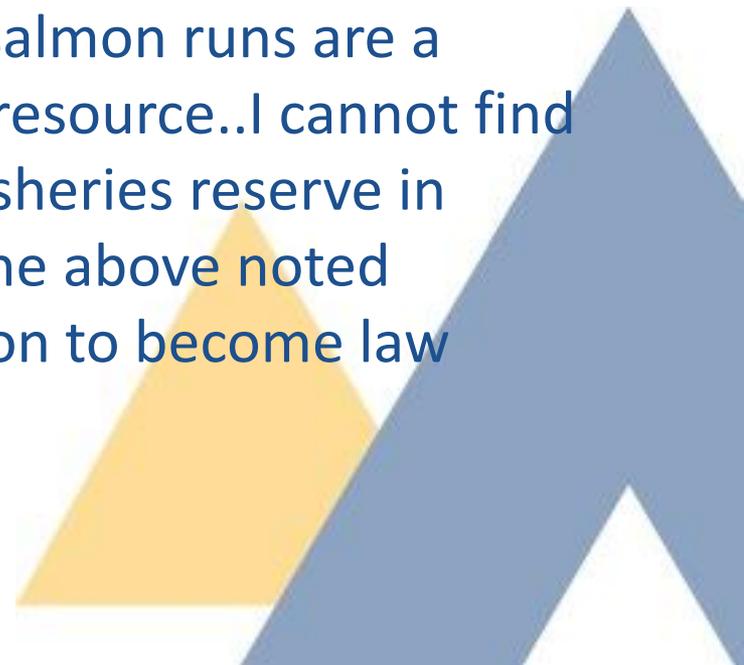
- Creates uncertainty and politicizes our scientific permitting process
- Sets undefined and unclear standards: what does “has the potential to adversely affect” mean?
- Sets bad precedent and provides avenue for this type of action to creep to other locations and projects in Alaska
- Imposes additional 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 23<sup>rd</sup> 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 → Makes Laws

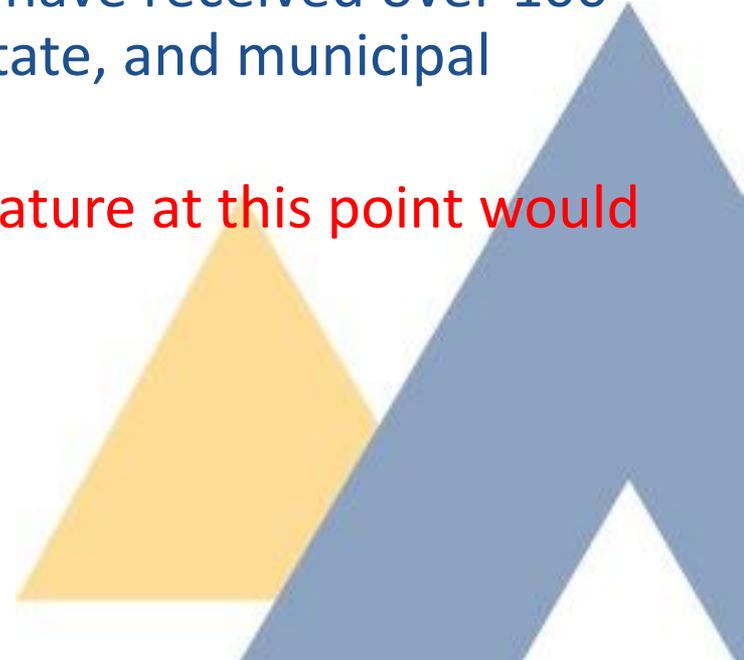
Executive → Administers Laws

Judicial → Evaluates Laws



# 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

