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March 17, 2023

Representative Bryce Edgmon, Co-Chair
Representative Neal Foster, Co-Chair
Representative Delena Johnson, Co-Chair
House Finance Committee

Sent via email to: House.Finance@akleg.gov

Re: Support for funding for State of Alaska assumption of Clean Water Act 404 Program

Dear Co-Chairs Representative Edgmon, Foster, and Johnson, and Members of the Committee:

The Alaska Miners Association (AMA) writes to support funding authorization to implement primacy of the federal Clean Water Act Section 404 program, and to communicate our willingness to participate in the adoption of a fee structure to recover State costs.

AMA is a professional membership trade organization established in 1939 to represent the mining industry in Alaska. We are composed of more than 1,400 members that come from eight statewide branches: Anchorage, Denali, Fairbanks, Haines, Juneau, Kenai, Ketchikan/Prince of Wales, and Nome. Our members include individual prospectors, geologists, engineers, suction dredge miners, small family mines, junior mining companies, and major mining companies, Alaska Native Corporations, and the contracting sector that supports Alaska's mining industry.

Assuming primacy of federal regulatory programs in no way equates to the loosening of environmental protection. In fact, it is quite the opposite. If primacy is implemented, State of Alaska will be required to comply with the Clean Water Act 404 program, and standards will be at least as, if not more stringent than the federal regulations. Alaska can elect to elevate requirements in any area it may choose, but it cannot decrease them.

What the State of Alaska can do differently than the federal government is bring stability and predictability to our permitting process. For Alaska's small-scale placer mining operations, this would be a significant improvement. Too often, federal employees come to Alaska and serve in their roles for three years or less, often without understanding of the Alaska National Interest Lands and Conservation and the Alaska Native Claims Settlement Acts that guide our land management principles, and Alaska's unique environment and characteristics. Something as basic as an ice road, or the importance of bringing in equipment and the timing of logistics to support a remote mine site when the ground is frozen, is often lost on those new to Alaska. It is not lost on the Alaskans that work at our State's regulatory agencies.

The State of Alaska has an excellent track record of managing federal programs, including the Clean Water Act National Pollutant Discharge Elimination System (NPDES; now the Alaska Pollutant Discharge Elimination System APDES), the Clean Air Act, and the Safe Drinking Act. We are well equipped to manage

the Clean Water Act Section 404 regulation as well, and doing so would bring the regulatory certainty needed to grow investment in resource and community projects, and the Alaska economy.

Alaska's miners have a long history of paying their way, including fees and reimbursements to cover the cost of regulatory agencies. AMA members, from family-owned placer mines to the large operations, have agreed that we are prepared to do so for the 404 program as well. We stand ready to work with the Alaska Department of Environmental Conservation to determine an appropriate fee structure so that in the long-term, the State is not financially burdened by this regulatory responsibility. We also support DEC efforts to pursue and secure federal funding for the program, as it is the only primacy program that does not receive at least partial funding from the federal government.

Thank you for your consideration of funding the Clean Water Act 404 program, as it will strengthen the State's regulatory system and attract the investment needed to grow our economy. Please do not hesitate to contact me with questions.



Deantha Skibinski
Executive Director