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## **2024 STATE ISSUES OF CONCERN FOR THE ALASKA MINING INDUSTRY**

### **Permitting System**

Promote and defend Alaska's stringent permitting process that protects our environment and uphold this process to demonstrate that Alaska is open for business. Attract and retain qualified, experienced personnel to efficiently process the permits necessary for Alaska to responsibly develop its resources.

Strengthen the role of the Office of Project Management and Permitting to lead and coordinate State agency permitting activity for large projects.

### **Water Policy**

Require that water quality standards are scientifically supportable and developed using site-specific criteria and ongoing evaluation as needed.

Support Legislation and Administrative policy that designation of Tier 3 waters can only be made by a vote of the Legislature.

Ensure the State of Alaska does not relinquish any permitting authority to private entities, such as delegating management of the State's water resources by approving instream flow water reservations to private parties.

Support funding for State primacy over the CWA Section 404 permitting program and ADEC administration of the program concerning filling of State 404 waters and wetlands in Alaska. Ensure the Governor, Department of Law, ADEC, and the Legislature closely monitor EPA and USACE post-*Sackett* field guidance. Demand participation role to define adjacent wetlands in Alaska and advocate they be defined consistently with the *Sackett* Supreme Court decision, which concluded that wetlands are considered WOTUS only when they have a continuous surface connection to a traditionally navigable water or tributary. Facilitate creation of a seamless process for Alaskans to know when waters are within State jurisdiction or within Federal jurisdiction. Ensure State coordination with federal regulatory agencies over permitting, mitigation, and management so that projects have access to reasonable wetlands mitigation tools. Help USACE and EPA develop rapid functional assessment tools for streams and Alaska wetlands to ensure projects have an approved and consistent method to calculate debits and credits statewide. Demand an open, consistent, predictable, and practicable statewide CWA 404 Compensatory Mitigation policy following the fundamentals agreed to the Memorandum of Agreement signed by USACE and EPA (2018).

### **Fiscal Policy**

Implement a comprehensive, long-term fiscal plan that ensures responsible spending at sustainable levels using budget reductions, use of Permanent Fund earnings, and new revenues from broad-based sources. Ensure State of Alaska fiscal policy includes strategies to grow a strong private sector.

### **Equitable Local Taxation**

Reserve the authority to levy metal mining severance taxes to the Legislature.

### **Ballot Initiative Reform**

Support legislation, or a Constitutional amendment to reform the ballot initiative process, including measures that would nullify a ballot initiative if a court finds any segment of the initiative to be unconstitutional. Prevent management of natural resources outside of the regulatory process.

### **Funding Disclosure for Nonprofit Advocacy**

Enact legislation to require disclosure when funds from nonprofit organizations are used to affect natural resource policy, permitting, litigation, and initiative proposals.

## **Land and Mineral Management**

- Oppose any proposed State or Federal policies that are designed to elevate one resource over another and recognize that established policies have proven that Alaska mining projects successfully co-exist with the natural environment and other industries.
- Support State efforts to improve the status of Alaska's baseline mapping and collect resource data, such as airborne geophysical mapping as a means for increasing future State revenues.
- Pursue and defend guaranteed access, including RS2477s, for all uses across all State and federal lands within Alaska.
- Require a thorough evaluation of mineral potential and access prior to any State land allocation which would prohibit mineral staking and leasing such as parks, preserves, or land disposals.
- Encourage DNR to oversee and manage the Trust Land Office's obligation to develop the mining lands (including the conversion of federal mining claim inholdings to Trust land) specifically transferred to the Alaska Mental Health Trust pursuant to the 1994 settlement of the Alaska Mental Health Trust Case to support Trust beneficiaries.

## **Support Alaska Statehood Defense efforts**

- Support all state efforts to oppose any federal encroachment on States' rights, such as the use of preemptive federal veto actions and imposition of excessive permitting requirements.
- Oppose the return of State lands/mineral rights to the federal government designed to prevent the development of mineral resources.
- Support State Administration efforts to oppose unwarranted Endangered Species Act listings and critical habitat designations in Alaska and insist all decisions are based on sound science.
- Pursue federal actions to lift prior Public Land Orders issued under ANCSA Section 17(d)(1) where such actions would not harm the statutory right of Alaska Native Corporations to select and receive conveyance of the federal lands that they were promised in ANCSA.
- Support State Administration efforts to engage with the Department of the Interior and the private sector to ensure that neither the review process for placing tribal lands into trust, nor the final designation of a parcel as trust land, results in any temporary or permanent restrictions on access to, and development of, resources on adjacent lands.
- Pursue Federal Secretarial Orders lifting ANCSA § 17 (d)(1) and other Public Land Orders, while supporting protection of the interests of Alaska Natives in their ANCSA land selections and entitlements.
- Support the October 29, 2020 exemption of the Tongass National Forest from the 2001 Roadless Rule. Oppose the USDA's November 2021 Notice of Intent to add 9.4 million acres of roadless areas to the 6.5 million acres already set aside by ANILCA and the 1990 Tongass Timber Reform Act of 1990, as it is in direct conflict with the "no more" clause of ANILCA.
- Demand that ANCSA Native Corporations are recognized in the Federal Administration's approach to government-to-government consultations.

## **Mining Education and Training**

- Maintain a highly trained Alaskan workforce through support of all mining and geology related degree and occupational certificate programs in the UA system, including the UAF College of Engineering and Mines, the Mining and Petroleum Training Service (MAPTS), UAS Center for Mine Training, and the Prince William Sound College Millwright Program.
- Support University of Alaska efforts to take action on findings included in 2022 Alaska's Minerals Summit report.
- Support extension of the Mining Business Education Credit.
- Provide State of Alaska support for Alaska Resource Education (ARE) to educate an upcoming workforce about natural resource industry careers.

## **Statewide Policy Impacts**

- Support infrastructure projects that leverage responsible resource development to sustain and grow the State's economy including utilizing AIDEA as an investment vehicle.
- Support continued successful collaboration between the State of Alaska and Province of British Columbia on responsible resource development within the transboundary region.