

Doniece Gott

From: Rick Van Nieuwenhuysen [REDACTED]
Sent: Monday, April 24, 2023 2:12 PM
To: Senate Finance Committee
Cc: Deantha Crockett
Subject: 404 Primacy

Distinguished Senate Finance Committee Members;

My name is Rick Van Nieuwenhuysen. I moved to Alaska in 1967 and graduated West High School in 1972. I am currently the President and CEO of Contango Ore based in Fairbanks, Alaska. We are developing the Manh Choh Gold project located on Tetlin Tribal Lands near Tok in partnership with Kinross. We are also exploring the Lucky Shot project located near Willow Alaska as well as several other projects around the State. I also founded Trilogy Metals and Valhalla - both developing projects the Ambler Mining District; and NovaGold - Developing the giant Donlin Project in southwest Alaska in partnership with Barrick Gold. As you can appreciate, I have been involved in a number of advanced stage projects in Alaska over a long period of time. All of the projects require extensive permitting. Having the State of Alaska oversee the 404 process would in my opinion be in everyone's best interest. Here are my reasons:

1. If primacy is implemented, the 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. You should not think of this as some kind of work-around or shortcut to proper permitting.
2. The State assumption of 404 will bring stability and predictability to our permitting process. For Alaska's 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. Alaskan regulators understand the uniqueness of Alaska and can better manage environmental protection policy in our state.
3. 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 Water 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.
4. Alaska's miners have a long history of paying their way and contributing to the state economy. We are open to an appropriate increase in fees to cover what it costs the state to administer the 404 program, and stand ready to work with ADEC on that fee structure. We also support DEC efforts to pursue and secure federal funding for the program.
5. If we are going to seriously address climate change and meet our stated objectives of our Net Zero goals by 2030 and 2050, we need to address permitting. Having the 404 program under State leadership and control will support responsible mineral development in Alaska – where we have a demonstrated track record of doing it better than anywhere else in the World.

Thank you for the opportunity to testify on 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.

Kind regards,

Rick Van Nieuwenhuysen
President & CEO



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