

**ALASKA INDUSTRIAL DEVELOPMENT
AND EXPORT AUTHORITY**

RESOLUTION NO. G20-29

**RESOLUTION OF THE ALASKA INDUSTRIAL DEVELOPMENT
AND EXPORT AUTHORITY APPROVING INTERVENTION INTO
LITIGATION RELATED TO THE AMBLER PROJECT AND
APPOINTING LITIGATION COUNSEL**

WHEREAS, one of the purposes of the Alaska Industrial Development and Export Authority (the “Authority”) is to develop and provide financing for industrial development and facilities that “are essential to the development of the natural resources and the long-term economic growth of the state, and will directly and indirectly alleviate unemployment in the state...” AS 44.88.010(a)(4), 44.88.070(1).

WHEREAS, the Ambler Mining District Industrial Access Project (“Project”) is aimed at the development of an industrial road that provides access for multiple mining companies to the Ambler Mining District for exploration and mine development and is the type of development that AIDEA was established to pursue.

WHEREAS, the Arctic Infrastructure Development Fund (“AIDF”) was set up by the Legislature so that it could accept funds transferred into the fund by the Board.

WHEREAS, the opening of new areas for natural resource development through the construction of access roads is important in supporting economic development and is in furtherance of the Authority’s statutory mission;

WHEREAS, the Project was funded and declared to be an Arctic infrastructure development project under the Arctic Infrastructure Development Program and Fund in Board Resolution G20-11;

WHEREAS, the Authority under the AIDF is authorized to contract for services with a professional advisor, including an attorney or other technical expert necessary to fulfill the purposes of the program.

WHEREAS, several parties have filed suit against federal agencies in Federal District Court in Alaska challenging the permitting by such agencies that is necessary for the Project, more specifically Northern Alaska Environmental Center v. Bernhardt and Alatna Village Council v. Padgett;

WHEREAS, the Authority has determined that intervention into such litigation filed against the Project would be beneficial for the Authority to protect its investment and to advance the Project;

WHEREAS, the Authority believes that [firm name] has the skills, experience and knowledge to zealously represent the Authority in such litigation in line with the Authority's and the state's interests in the Project;

WHEREAS, the Alaska Department of Law (DOL) solicited for counsel to the Authority in July 2020, and Holland & Hart was one of the firms that has received a notice of intent to award, and a contract has been negotiated between DOL and Holland & Hart;

WHEREAS, the Authority may expend the funds allocated to the AIDF on legal counsel to advance the Project;

WHEREAS, the Authority hopes to pursue a legal strategy that will address and defend against the claims of the plaintiffs with a minimum of delay to the Project, while also minimizing its legal fees and costs;

WHEREAS, making these decisions to advance and protect the Project are all in furtherance of the Authority's statutory powers and advance the public interest.

NOW, THEREFORE, BE IT RESOLVED BY THE ALASKA INDUSTRIAL DEVELOPMENT AND EXPORT AUTHORITY, AS FOLLOWS:

Section 1. The Authority approves the Authority's intervention into and prosecution of litigation challenging the Joint Record of Decision and the permits for the Project.

Section 2. The Authority appoints Holland & Hart to represent the Authority in this litigation.

Section 3. The Authority authorizes expenditures up to \$500,000 out of the AIDF to pay for the legal fees and other related costs.

Section 4. The Executive Director of the Authority is authorized to take such actions as may be necessary or appropriate to carry out the actions intended by this Resolution, including, but not limited to, making decisions on the legal strategies and tactics used to properly defend its interests in the litigation.

DATED at Anchorage, Alaska, this 28 th day of October, 2020.





Chair

ATTEST:



Secretary
Alaska Industrial Development and Export Authority