

ALASKA INDUSTRIAL DEVELOPMENT AND EXPORT AUTHORITY

RESOLUTION NO. G24-03

**RESOLUTION OF THE ALASKA INDUSTRIAL DEVELOPMENT
AND EXPORT AUTHORITY APPROVING PAYMENT OF
EXPENSES RELATED TO THE AMBLER ROAD PROJECT**

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 responsible development of an industrial road to access statehood act lands and state mineral claims, as well as federally patented mining claims in the Ambler Mining District by multiple mining companies for exploration and mine development. This is the type of development AIDEA was established to pursue and has successfully pursued through the Red Dog mine.

WHEREAS, the Arctic Infrastructure Development Fund (“AIDF”) was set up by the Legislature to finance such projects;

WHEREAS, the Ambler Road 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 statutorily 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 filed suit against federal agencies in United States District Court in Alaska challenging the permitting of the Ambler Road Project and started the Ambler Road Project litigation. The Authority (with the permission of the Federal District Court for Alaska) intervened in these cases as authorized by the Board in Resolution G20-29.

WHEREAS, the Alaska Department of Law (DOL) issued a request for proposals for counsel for the Authority. The DOL and the law firm of Holland & Hart entered into a contract for representation of AIDEA;

WHEREAS, the Authority received services under that contract and Holland and Hart entered an appearance on behalf of AIDEA in the Ambler Road Project Litigation. For a number of reasons, Holland and Hart later agreed to withdraw as counsel and Birch, Horton was substituted as counsel for the Authority.

WHEREAS, DOL and AIDEA have now agreed to both contribute to the payment of the costs and fees charged by Holland and Hart to the DOL, with certain rights reserved by the Authority.

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

Section 1. The Authority authorizes an additional payment from the AIDF to DOL for FY2023 charges by Holland & Hart totaling \$440,664.83 from the Authority's receipts. This payment shall be considered an expenditure occurring in FY2024 and is in addition to payments made under the previous Resolution G20-29.

Section 2. 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, imposing conditions on the payment to the DOL, making decisions in matters related to legal strategies and tactics for representing the Authority in litigation related to the Ambler Access project and related administrative proceedings.

~~**Section 3** The Authority authorizes expenditures up to \$750,000 out of the AIDF to pay for legal fees and related costs with the understanding that the litigation strategy will focus on the establishment of access rights for the state of Alaska under the Statehood Act, ANILCA section 201(4)(b), ANILCA section 1110(b), and other statutes positively affecting the state's ability to gain access to the Ambler mining district.~~

Handwritten initials/signature

DATED at Anchorage, Alaska, this 17 th day of April, 2024.

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Chair



Handwritten signature

Secretary