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Growing Alaska Through Responsible Resource Development

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BREAKFAST MEETING

Thursday, September 16, 2010

1. Call to order – Tom Maloney, President
2. Self Introductions
3. Headtable Introductions
4. Staff Report – Jason Brune, Executive Director
5. Program and Keynote Speaker:

An Environmental Litigation Horror Story
With Statewide Impacts
 Mayor Willard Dunham, Seward

Next Meeting: Thursday, September 30: Future Development in NPR-A, Julia Dougan, Acting State Director, Bureau of Land Management

Please add my name to RDC's mailing list:

NAME/TITLE: _____

COMPANY: _____

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- Harbor (907) 224-3138
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- City Clerk (907) 224-4046
- Community Development (907) 224-4049
- Utilities (907) 224-4050
- Fax (907) 224-4038

Re: Ninth Circuit Appeal, Seward Request for Assistance

Dear Mr. Brune:

I am writing to you on behalf of the City of Seward to request your assistance as we defend a Ninth Circuit Appeal of a Federal Clean Water Act decision regarding attorney fees and costs. The City of Seward is asking all communities and businesses that could be similarly affected to join with us by providing financial support or filing amicus briefs in support of the City's position.

In September 2005 the Resurrection Bay Conservation Alliance and Alaska Community Action on Toxics, represented by Trustees for Alaska, filed a lawsuit in federal district court against the City of Seward in case number 3:06-cv-0224-rrb. Plaintiffs sought an order requiring the City to obtain storm water discharge permits at two locations and to pay civil penalties of approximately \$76 million. The plaintiffs alleged a variety of toxics and pollutants were being discharged by the City into Resurrection Bay, requested injunctive relief to stop the alleged discharges, and requested injunctive relief to clean up the Bay. However, during discovery the plaintiffs admitted they had no evidence to support their claims. The City showed, by a report prepared at the request of EPA, none of the alleged pollutants were present.

In a decision issued in 2008, Judge Beistline ordered the City to pursue obtaining storm water discharge permits but found that only nominal civil penalties of \$1.00 were warranted. The court also ruled that each side was to bear its own fees and costs. The parties filed cross appeals in the 9th Circuit. The plaintiffs sought full attorney fees and costs and the City of Seward appealed the decision to require applying for a storm water discharge permit for its small boat harbor.

While the appeal was pending, an EPA representative visited Seward and determined that no permit was required for the small boat harbor because there were no industrial activities triggering the need for a permit. The Ninth Circuit remanded the question of attorney fees to the district court, and Judge Beistline once again ruled that each party was to bear its own fees and costs. The case is now on appeal for the second time to the Ninth Circuit because Trustees wants the City to pay its full attorney fees and costs. At this time, Trustees wants the City, a small community of less than 3000 residents, to pay approximately \$130,000.

To provide some background: The Clean Water Act requires a storm water discharge permit for certain enumerated industrial activities. Industrial activities covered under the storm water regulations include ship building and

repair yards. The City owns land and allows vessel owners to store boats in its upland boat storage area. The court found that this area was a ship building and repair site under SIC 3731 as an "establishment primarily engaged in building and repairing ships, barges, and lighters, whether self propelled or towed by other craft." The City allows limited vessel repair activities on this site provided that the owners agree to comply with all applicable laws. No City employees actually engage in any vessel repair or maintenance activities, and no City employees supervise any vessel repair or maintenance activity. However, the court found the City to be the operator of an industrial facility because the City plows snow and keeps the ditches clear along the adjacent road. The City obtained coverage under the storm water discharge regulations, but there was no change in the activities on the site.

The court acknowledged that the City had sought information or an opinion from the Environmental Protection Agency with regard to whether permit coverage was required. Initially the EPA said "no," and then a couple years into the lawsuit, took the firm position that it had no position. The court acknowledged that the City "appears to have long acted conscientiously in maintaining these facilities" and that "the City has a reputation for having management practices which exceed most Alaskan harbors and that no similar harbor in Alaska has an NPDES permit." The court also noted that the only "pollutant" was storm water runoff.

The relevant section of the Clean Water Act is section 505 which provides: "The court, in issuing any final order in any action brought pursuant to this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing or substantially prevailing party, whenever the court determines such award is appropriate."

Although not in the statute, the courts developed different standards for plaintiff and defendant to determine the "prevailing" party status. A plaintiff can lose on almost everything, but will be considered a prevailing party if there is any success at all. However, this does not entitle the plaintiff to a reward of attorney fees and costs, and that is the basis for the current appeal. Judge Beistline set forth the facts supporting his conclusion that an award of attorney fees and costs is not appropriate. His decision is attached.

Due to the potential impact of this case on communities and businesses throughout the State, the City of Seward requests any assistance you may provide in terms of financial support with regard to its case before the Ninth Circuit as well as filing of amicus briefs in support of the City's position. Our goal is to halt any further attempts to bring unfounded lawsuits for the purpose of

forcing defendants to pay attorney fees and costs. I would be happy to discuss this with you in more detail.

Thank you for reviewing our request for participation. All local governments and businesses that have, or wish to have, areas any commercial development could be adversely affected if we lose this case. We are all under attack by these groups! In many instances these groups have slowed new development and industry in our town. The timber industry is the best example of this impact. This is an industry where thousands were employed around our state. Now there is no major timber mill operating in Alaska. Our town is no exception, and your community won't be either if they win. Please feel free to call me at 907-491-1104 or have your attorney speak with our city attorney, Cheryl Brooking, Esq. at 907-276-6401.

Sincerely,

A handwritten signature in cursive script, appearing to read "Willard E. Dunham".

Willard E. Dunham, Mayor
City of Seward

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

RESURRECTION BAY CONSERVATION
ALLIANCE, et al.,

Plaintiffs,

vs.

CITY OF SEWARD, ALASKA,

Defendant.

Case No. 3:06-cv-0224-RRB

ORDER REGARDING
PENDING MOTIONS

I. INTRODUCTION

This matter is before the Court on remand from the Ninth Circuit. The background can be found at Docket 66. In short, the Plaintiffs brought this action under the Clean Water Act ("CWA"). Plaintiffs alleged that the City illegally discharged pollutants without a permit at two locations: the Seward Small Boat Harbor and the Boat Storage Area at Mile 7 Nash Road. The Court heard oral argument on November 20, 2007. Based on the motions, supplemental briefing, and oral arguments, the Court concluded that Plaintiffs had standing to sue under the citizen enforcement provisions of the CWA and that the City must apply for an National Pollution

Discharge Elimination System ("NPDES") permit, but that civil penalties were not appropriate.¹ The Court assessed a nominal penalty in the total amount of \$1 for all alleged violations and declined to award attorney fees or costs, noting that the Plaintiffs were not awarded the full relief that they sought and the City successfully avoided potential liability of \$76 million.²

The Court further found that the Small Boat Harbor, including the gravel pad lift site, was a "marina" (i.e., an industrial facility under SIC Code 44) and that the City was an "operator" under the CWA.³

This Court ordered the City "to apply for NPDES permits within 90 days" of its Order dated February 22, 2008.⁴ The City contacted the EPA to arrange for an inspection and on May 8, 2008, the EPA inspected the Small Boat Harbor and concluded that no permit was required for the site because no industrial activities which require MSGP permits under the CWA were occurring at the Small Boat Harbor. The City received confirmation September 30, 2008, from the EPA of its findings that no permit was required for the Small

¹ Docket 66.

² Docket 78.

³ Docket 78.

⁴ Docket 66 at 18.

Boat Harbor.⁵ Separately, the EPA "agreed to allow coverage under the MSGP stormwater discharge permit program for the upland boat storage site."⁶ The City has since applied for permit coverage at the upland storage site, but has not altered its activities in any manner.⁷

Both parties appealed. The Ninth Circuit ordered a remand for two reasons:

1. In light of the recent ruling in *Saint John's Organic Farm v. Gem County Mosquito Abatement Dist.*, - F.3d -, 2009 WL 2357866, No. 07-35797 (9th Cir. August 3, 2009), the case was remanded so that the district court may determine whether Plaintiffs were the prevailing parties and, if so, whether an award of fees is "appropriate," applying the standards articulated; and

2. Remand was necessary for the district court to determine whether to vacate its summary judgment ruling with respect to the permit requirement for the Small Boat Harbor.⁸

The parties have filed further briefing. Oral argument has been requested, but would not assist the Court.

⁵ Docket 101, Exhibit B.

⁶ Docket 107 at 8.

⁷ Docket 107 at 9.

⁸ Docket 98.

**II. CITY OF SEWARD'S MOTION TO PARTIALLY VACATE PREVIOUS ORDER -
DOCKET 100**

The City requests vacatur of the decision that industrial activities occur in the Seward Small Boat Harbor giving rise to the need for an NPDES permit.⁹ Specifically, the City requests vacatur as to that portion of the Court's order finding that a permit shall be sought for the Small Boat Harbor.¹⁰ The City argues that failure to vacate that portion of the order will result in inequitable and detrimental consequences to the City, because if the Court refuses to vacate the judgment, the judgment may have preclusive effect and leave the City with an order with which it cannot comply. "Refusal to vacate this portion of the court's order will place the City at risk of future litigation and potential penalties under the CWA for failure to comply with a court order requiring a permit where the agency responsible for issuing such permits has found no permit is required and therefore will not issue the court-ordered permit. Because EPA is the authority for issuing permits and will not be issuing a permit, the City asks that the judgment be revised

⁹ Docket 100.

¹⁰ Docket 101 at 5.

accordingly."¹¹ Essentially, the City complains that this Court ordered the City to apply for a permit that cannot be obtained.¹²

Plaintiffs oppose vacatur only to the extent that, while not required now, a permit could be required should boat or vehicle maintenance occur at the site in the future.¹³

The Judgment in this matter reads in relevant part: "[T]he City of Seward is required to **apply for** a NPDES permit. The City shall proceed in due course to **apply for** an NPDES permit and begin such efforts within 90 days hereof."¹⁴ The City has applied for a permit and the EPA has concluded that no permit is required regarding the Small Boat Harbor.¹⁵ The City has, therefore, satisfied the Judgment. Accordingly, the Court declines to vacate the Judgment. However, to the extent that this Court's order at Docket 66 (Section IV B) concluded that "for purposes of the CWA, the City is an operator of industrial facilities which discharge storm water into waters of the United States," that portion of the

¹¹ Docket 101 at 9.

¹² Docket 101 at 13.

¹³ Docket 103.

¹⁴ Docket 67 (emphasis added).

¹⁵ Docket 101, Exhibit B.

Order is vacated as to the Small Boat Harbor, in light of the EPA's official findings to the contrary.¹⁶

III. MOTION FOR ATTORNEY FEES AND LITIGATION COSTS - DOCKET 98

Plaintiffs seek total fees in the amount of \$117,166.50 and costs of \$4,690.80.¹⁷ In *St. John's Organic Farm v. Gem County Mosquito Abatement District*, 574 F.3d 1054 (9th Cir. 2009), the Ninth Circuit held that under the Clean Water Act, a district court must make two findings when considering an award of attorney fees. First, it must find that the fee applicant is a "prevailing or substantially prevailing party." Second, it must find that an award of attorney's fees is "appropriate."¹⁸

A. Prevailing Party Status

The Ninth Circuit has established a three-part test for determining "prevailing party" status: "(1) judicial enforcement; (2) material alteration of the legal relationship between the parties; and (3) actual relief on the merits of [the] claim."¹⁹ The parties do not dispute that the Court's order is judicially enforceable.

¹⁶ Docket 101, Exhibit B.

¹⁷ Docket 99 at 14.

¹⁸ Id. at 1058.

¹⁹ *Id.* at 1059 (applying *Richard S. v. Dep't of Dev. Servs. of Cal.*, 317 F.3d 1080, 1087 (9th Cir. 2003)).

Plaintiffs argue that the Court's orders effected a material alteration in the legal relationship between the parties.²⁰ After Plaintiffs provided notice of its intent to sue, the City did not comply with the CWA and seek an NPDES permit and continued to dispute that a permit was required until the Court's final orders. Because Plaintiffs could not legally require the City to obtain an NPDES permit without a court order, it argues, the judicial orders materially altered the legal relationship between Plaintiff and the City.

The City denies that its behavior was modified in any way by the Court's ruling and notes that Plaintiffs prevailed on only one of numerous counts in the Complaint. The City argues that *it* was the prevailing party because "nearly all" allegations made by the Plaintiffs were shown to be false and unsupported by the facts, and that the City prevailed on all but one claim, successfully defending against numerous frivolous claims.²¹ If Plaintiffs are the prevailing party, they argue, such status is only in a nominal or technical sense.

The Court concludes that although it issued an order that was judicially enforceable, Plaintiffs' status as a prevailing party is

²⁰ Docket 99.

²¹ Docket 107.

nominal. Defendant was ordered to apply for a permit for two locations and to pay one dollar in civil fees. Ultimately, the EPA declined to issue a permit for one of the two locations.

However, the threshold for sufficient relief to confer prevailing party status is not high. "If the plaintiff has succeeded on any significant issue in litigation which achieve[d] some of the benefit the parties sought in bringing suit, the plaintiff has crossed the threshold to a fee award of some kind."²² Therefore, the Court finds that Plaintiffs are the prevailing party and must consider whether fees are appropriate.

B. Appropriateness of Fees

The *Saint John's Organic Farm* standard states that a prevailing party should ordinarily recover an attorney's fee unless special circumstances would render such an award unjust.²³ The Ninth Circuit has interpreted the "special circumstances" standard "quite strictly, such that fee awards 'should be the rule rather than the exception.'"²⁴

The City of Seward disputes the appropriateness of fees, noting that "a recovery of one dollar . . . is, at best, a hollow

²² *Saint John's Organic Farm*, 574 F.3d at 1059 (citation omitted).

²³ *Id.* at 1062.

²⁴ 574 F.3d at 1062.

victory.”²⁵ “A de minimis victory upholds a decision that the ‘appropriate fee in such a case is no fee at all.’”²⁶

Previously, this Court found that although there was a legal basis for Plaintiffs’ claim, and the Court ultimately ordered the City to apply for an NPDES permit, the Court declined to grant in full the relief sought by Plaintiffs.²⁷ The City successfully avoided potential liability exceeding \$76 million, and because the City had no clear reason to believe it must apply for an NPDES permit, the Court could not conclude that it would be appropriate to assess the costs requested.²⁸

While *Saint John’s* did not define “special circumstances,” it did note that “a defendant’s good faith belief that it was following the law does not qualify as a ‘special circumstance.’”²⁹ However, the Court still concludes that special circumstances exist in this matter. Specifically, despite the Court’s findings and a Judgment requiring the City to seek a permit from the EPA, the EPA ultimately declined to issue a permit for one of two locations,

²⁵ Docket 107.

²⁶ *Farrar v. Hobby*, 506 U.S. 103, 122 (1992).

²⁷ Docket 78.

²⁸ *Id.*

²⁹ 574 F.3d at 1064 (citation omitted).

thus casting doubt on the Court's reasoning in its prior order. At best, Plaintiffs prevailed on only a small portion of their case.

Furthermore, as the Court reasoned previously, there was a lack of evidence of actual pollution and a lack of evidence of an economic benefit by the City.³⁰ As detailed in the Opposition to the Motion for Attorney Fees at Docket 107, Plaintiffs sought relief that was not granted by the Court. Ultimately, the City has not changed any behavior that existed prior to the lawsuit. All that was accomplished was the application for and issuance of one permit to allow activities that were legitimately taking place. Finally, the Court notes that if the EPA had issued an advisory opinion when the City originally requested it, this litigation could have been avoided completely.

The Court accordingly finds that this case has unique and "special circumstances" and an award of attorney fees in these circumstances would be unjust.

IV. CONCLUSION

In light of the foregoing, the Motion to Vacate Order at **Docket 100** is **GRANTED IN PART AND DENIED IN PART**. The Court declines to modify the Judgment, but vacates the language at Docket 66 that finds, with respect to the Small Boat Harbor, that "for

³⁰ Docket 66.

purposes of the CWA, the City is an operator of industrial facilities which discharge storm water into waters of the United States."

Furthermore, Plaintiff's Motion to Strike at **Docket 104** is **DENIED AS MOOT**.

Finally, Plaintiff's Motion for Attorney Fees and Litigation Costs at **Docket 98** is **DENIED**.

The oral argument scheduled for May 18, 2010, is **VACATED**.

IT IS SO ORDERED.

ENTERED this 13th day of April, 2010.

S/RALPH R. BEISTLINE
UNITED STATES DISTRICT JUDGE

The 2010 Alaska Business Report Card

Representatives from the undersigned statewide business associations collaborated to evaluate members of the 2010 Alaska State Legislature based on their respective performances related to the priorities of Alaska's business community. Legislators were evaluated on the following broad policy areas – 1) Government Spending, 2) Regulatory Streamlining, 3) Tort Reform, 4) Business Taxes, 5) Open and Transparent Government, 6) Energy Policy and 7) Leadership.

Specific legislation considered in the grading process included, but was not limited to, the operating and capital budget bills (HB300 and SB230), reform of the Alaska Coastal Management Program (HB74 and SB4), limited liability in workers' compensation claims (SB303), oil and gas production tax reform (HB308), decoupling of oil and gas production taxes (SB305), vessel passenger taxes (SB312), ballot initiative reform (HB36), Cook Inlet natural gas storage and tax credits (HB280), state energy policy (HB306), and in-state pipeline coordination team (HB369). Grading was based on bill sponsorships, committee and floor votes as well as actions taken in committee when applicable.

Each of the participating organizations actively works to build a strong economy in Alaska and to ensure the state develops a policy regime that supports jobs and business. The scorecard is intended to give our collective memberships a clearer sense of who in Juneau stands up for Alaskan business. Each of our organizations will continue to work with all of our policy makers to make Alaska an attractive place for private sector investment, jobs and economic growth.

**Alaska State Chamber of Commerce
Alaska Support Industry Alliance
Associated Builders and Contractors, Inc.**

**Prosperity Alaska
Resource Development Council**

Alaska State Senate

Con Bunde (R) - Anchorage	A-
Charlie Huggins (R) - Wasilla	B+
Lesil McGuire (R) - Anchorage	B-
Dennis Egan (D) - Juneau	C+
Kevin Meyer (R) - Anchorage	C+
Fred Dyson (R) - Eagle River	C
Linda Menard (R) - Wasilla	C
Joe Paskvan (D) - Fairbanks	C
Joe Thomas (D) - Fairbanks	C
Tom Wagoner (R) - Kenai	C
John Coghill (R) - North Pole	C-
Gary Stevens (R) - Kodiak	C-
Bettye Davis (D) - Anchorage	D+
Donny Olson (D) - Nome	D+
Bert Stedman (R) - Sitka	D+
Johnny Ellis (D) - Anchorage	D
Lyman Hoffman (D) - Bethel	D
Albert Kookesh (D) - Angoon	D
Hollis French (D) - Anchorage	F
Bill Wielechowski (D) - Anchorage	F

Alaska State House

Craig Johnson (R) - Anchorage	A	Bill Thomas (R) - Haines	C-
Mike Chenault (R) - Nikiski	B	Nancy Dahlstrom (R) - Eagle River	D+
Mark Neuman (R) - Big Lake	B	Bob Buch (D) - Anchorage	D
Jay Ramras (R) - Fairbanks	B	Mike Doogan (D) - Anchorage	D
Anna Fairclough (R) - Eagle River	B-	Bryce Edgmon (D) - Dillingham	D
Mike Hawker (R) - Anchorage	B-	Lindsey Holmes (D) - Anchorage	D
Charisse Millett (R) - Anchorage	B-	Reggie Joule (D) - Kotzebue	D
Peggy Wilson (R) - Ketchikan	B-	Bob Lynn (R) - Anchorage	D
Kyle Johansen (R) - Ketchikan	C+	Pete Petersen (D) - Anchorage	D
Mike Kelly (R) - Fairbanks	C+	Chris Tuck (D) - Anchorage	D
Kurt Olson (R) - Kenai	C+	Harry Crawford (D) - Anchorage	D-
Tammie Wilson (R) - North Pole	C+	Berta Gardner (D) - Anchorage	D-
Neal Foster (D) - Nome	C	Max Gruenberg (D) - Anchorage	D-
Carl Gatto (R) - Wasilla	C	Sharon Cissna (D) - Anchorage	F
Bob Herron (D) - Bethel	C	Les Gara (D) - Anchorage	F
Cathy Munoz (R) - Juneau	C	David Guttenberg (D) - Fairbanks	F
Wes Keller (R) - Wasilla	C	Scott Kawasaki (D) - Fairbanks	F
Bill Stoltze (R) - Chugiak	C	Beth Kerttula (D) - Juneau	F
Alan Austerman (R) - Kodiak	C-	Woodie Salmon (D) - Fort Yukon	F
John Harris (R) - Valdez	C-	Paul Seaton (R) - Homer	F

For more information please visit alaskabusinessreportcard.com

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Alaska Support Industry Alliance
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**Prosperity Alaska
Resource Development Council**

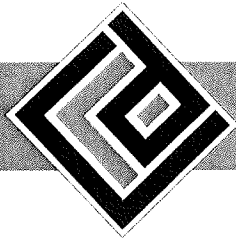
Alaska State Senate

Con Bunde (R) - Anchorage	A-
John Coghill (R) - North Pole	C-
Bettye Davis (D) - Anchorage	D+
Fred Dyson (R) - Eagle River	C
Dennis Egan (D) - Juneau	C+
Johnny Ellis (D) - Anchorage	D
Hollis French (D) - Anchorage	F
Lyman Hoffman (D) - Bethel	D
Charlie Huggins (R) - Wasilla	B+
Albert Kookesh (D) - Angoon	D
Lesil McGuire (R) - Anchorage	B-
Linda Menard (R) - Wasilla	C
Kevin Meyer (R) - Anchorage	C+
Donny Olson (D) - Nome	D+
Joe Paskvan (D) - Fairbanks	C
Bert Stedman (R) - Sitka	D+
Gary Stevens (R) - Kodiak	C-
Joe Thomas (D) - Fairbanks	C
Tom Wagoner (R) - Kenai	C
Bill Wielechowski (D) - Anchorage	F

Alaska State House

Alan Austerman (R) - Kodiak	C-	Craig Johnson (R) - Anchorage	A
Bob Buch (D) - Anchorage	D	Reggie Joule (D) - Kotzebue	D
Mike Chenault (R) - Nikiski	B	Scott Kawasaki (D) - Fairbanks	F
Sharon Cissna (D) - Anchorage	F	Wes Keller (R) - Wasilla	C
Harry Crawford (D) - Anchorage	D-	Mike Kelly (R) - Fairbanks	C+
Nancy Dahlstrom (R) - Eagle River	D+	Beth Kerttula (D) - Juneau	F
Mike Doogan (D) - Anchorage	D	Bob Lynn (R) - Anchorage	D
Bryce Edgmon (D) - Dillingham	D	Charisse Millett (R) - Anchorage	B-
Anna Fairclough (R) - Eagle River	B-	Cathy Munoz (R) - Juneau	C
Neal Foster (D) - Nome	C	Mark Neuman (R) - Big Lake	B
Les Gara (D) - Anchorage	F	Kurt Olson (R) - Kenai	C+
Berta Gardner (D) - Anchorage	D-	Pete Petersen (D) - Anchorage	D
Carl Gatto (R) - Wasilla	C	Jay Ramras (R) - Fairbanks	B
Max Gruenberg (D) - Anchorage	D-	Woodie Salmon (D) - Fort Yukon	F
David Guttenberg (D) - Fairbanks	F	Paul Seaton (R) - Homer	F
John Harris (R) - Valdez	C-	Bill Stoltze (R) - Chugiak	C
Mike Hawker (R) - Anchorage	B-	Bill Thomas (R) - Haines	C-
Bob Herron (D) - Bethel	C	Chris Tuck (D) - Anchorage	D
Lindsey Holmes (D) - Anchorage	D	Peggy Wilson (R) - Ketchikan	B-
Kyle Johansen (R) - Ketchikan	C+	Tammie Wilson (R) - North Pole	C+

For more information please visit alaskabusinessreportcard.com



RESOURCE DEVELOPMENT COUNCIL

Growing Alaska Through Responsible Resource Development

ACTION ALERT

National Petroleum Reserve Alaska Planning Effort

Comment Deadline: Friday, October 1, 2010

Overview:

The Bureau of Land Management (BLM) will begin preparation of an Integrated Activity Plan and an Environmental Impact Statement for the National Petroleum Reserve-Alaska (NPR-A). The new plan will incorporate the most current information and develop management goals, objectives, and actions that would be consistent across the entire 22 million-acre NPR-A. The plan will also take into account emerging issues such as climate change and the recent listing of polar bears as a threatened species under the Endangered Species Act. This planning effort will help identify management actions to mitigate impacts of oil and gas leasing and other activities that may occur in NPR-A in the future. The result of this planning effort will supersede the current plans for the Northwest (2004) NPR-A, Northeast (2008) NPR-A, and Colville River Special Area (2008).

Through public scoping, BLM is requesting input to the planning process. The public scoping period began July 28, 2010 and will close Friday, October 1. Public meetings are planned for North Slope communities, as well as Anchorage and Fairbanks in September.

Action Requested:

Please testify at an upcoming public hearing and/or submit written comments by email, mail or fax encouraging BLM to provide access to the richest oil and gas prospects in NPR-A. In addition, support opening NPR-A to mineral entry, as well as industrial mineral and coal leasing. **Comments are due Friday, October 1:**

NPR-A Planning Team
Bureau of Land Management
222 W. 7th Avenue
Anchorage, AK 99513
FAX: 907-271-5479
EMAIL: NPRAscoping@blm.gov
Online: <http://www.blm.gov/ak>

Public Hearings:

Fairbanks: Monday, Sept 13, Noel Wien Library (Open house 6:00 pm, hearing 6:30)

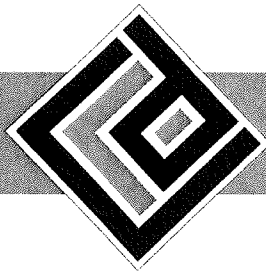
Anchorage: Tuesday, Sept 21, Campbell Creek Science Center, (Open house 6:30 pm, hearing 7)

For more information on the planning process, visit www.blm.gov/ak

Points to include in your letter:

- Given NPR-A was specifically designated by Congress for the production of energy resources and the need for new oil production has increased, it is vital that BLM provide access to NPR-A's greatest prospects.
- All of the producing fields on the North Slope are located within 25 miles of the coast. Eliminating substantial acreage within the "Barrow Arch" could preclude the discovery of a major deposit in NPR-A.
- Industry's track record on the North Slope and the technological advances of the past decade, which have greatly reduced the development footprint, support full leasing in NPR-A.
- Seasonal stipulations, standards and other protective measures could be applied to safeguard sensitive areas.
- New oil and gas production from NPR-A would extend the life of the trans-Alaska oil pipeline and improve the prospects for the gas pipeline.
- Projected North Slope production declines could be reversed, depending upon how much additional oil is produced from NPR-A, but such potential could be severely compromised if access is not provided to oil-rich areas.
- BLM should make provisions for transportation corridors within NPR-A to facilitate future oil and gas development in the Outer Continental Shelf (OCS) and other natural resource development in NPR-A.
- Given the outstanding track record of the mining industry in the arctic and sub-arctic, the technological advances of the past decade, and the growing need for strategic minerals, all of NPR-A should be open to mineral entry, as well as industrial mineral and coal leasing.
- South NPR-A is an important part of the 80-year old petroleum reserve —specifically set aside because of its energy and mineral potential. Access to this area should be accommodated with provisions to protect important surface values and traditional ways of life.
- The oil and mining industries have proven they can operate in a manner that protects the environment. The Arctic wildlife and environment can and will be preserved while petroleum and mineral resources are developed in NPR-A.
- Energy and mineral development in NPR-A would benefit the economy by creating increased revenues and employment, while enhancing national security.
- BLM should refrain from designating highly-restrictive conservation units in NPR-A, given the nation's growing need for energy and minerals, as well as the potential existence of world-class energy and mineral deposits in the reserve. Alaska already has an overwhelming majority of the nation's public lands closed to development.

Deadline for written comments: Friday, October 1, 2010



RESOURCE DEVELOPMENT COUNCIL

Growing Alaska Through Responsible Resource Development

September 8, 2010

Ms. Julia Dougan
Acting Alaska State Director
U.S. Bureau of Land Management
222 W. 7th Avenue
Anchorage, Alaska 99513-7504

Re: New IAP/EIS for National Petroleum Reserve-Alaska

Dear Ms. Dougan:

On behalf of the Resource Development Council for Alaska, Inc. (RDC), I am writing to comment on the preparation of a new Integrated Activity Plan/Environmental Impact Statement (IAP/EIS) for the National Petroleum Reserve-Alaska (NPR-A).

RDC is a statewide, non-profit, business association comprised of individuals and companies from Alaska's oil and gas, mining, timber, tourism and fisheries industries. Our membership also includes Native regional and village corporations, local governments, organized labor and industry support firms. RDC's mission is to help grow Alaska's economy through the responsible development of natural resources.

As stated in our earlier comments on NPR-A, RDC believes full oil and gas leasing should occur across the petroleum reserve. In addition, RDC supports opening NPR-A to mineral entry, as well as industrial mineral and coal leasing. Moreover, the Bureau of Land Management (BLM) should make provisions for transportation corridors within NPR-A to facilitate future oil and gas development in the Outer Continental Shelf (OCS) and potential resource development in South NPR-A and elsewhere.

Oil and gas development

Three decades of oil and gas activity in the Arctic clearly demonstrate that industry has the capability to operate throughout Alaska's North Slope while maintaining high standards of safety and environmental sensitivity. Advances in technology have greatly reduced industry's footprint, allowing for the preservation of more surface acreage within the oil fields for wildlife habitat. In addition to technological advances, scientific studies conducted since 1998 have greatly improved the agency's knowledge of the biological resources within the petroleum reserve.

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Given NPR-A was specifically designated by Congress for the production of energy resources and the need for new oil production has increased, it is important BLM provide access to NPR-A's best prospects. North Slope oil and gas deposits have occurred almost exclusively within a 25-mile strip of the Beaufort Sea coastline – a geologic structure known as the Barrow Arch. Acreage within this area could hold significant deposits and should be open to development.

RDC believes it is unnecessary for BLM to defer or withdraw highly prospective acreage in NPR-A from potential future lease sales. Areas withdrawn in previous planning processes are considered to be among the most oil-rich in NPR-A. These withdrawals and new ones would only serve to significantly reduce ultimate recovery of oil from the petroleum reserve with little or no benefit to the environment and wildlife. If BLM removes the best prospects from future leasing, there is unlikely to be significant industry interest going forward in the petroleum reserve. (BLM need only look at the results of the most recent lease sale, which clearly demonstrated industry disappointment in what was offered).

RDC is concerned with the alarming trend over the past 15 years of "locking up" potential oil-rich lands in NPR-A. Through the previous planning processes, 219,000 acres under Teshekpuk Lake were withheld from leasing and 430,000 acres north and east of the lake were deferred until 2018. In addition, 1.57 million acres in Northwestern NPR-A were deferred from leasing until 2014. Most recently, 170,000 acres south of Teshekpuk Lake were removed from the August 2010 lease sale because of migratory and caribou habitat concerns. We are very much concerned that the trend is clearly toward less leasing and less access. Much of the most prospective acreage within the Barrow Arch has now been removed or deferred, including those closest to potential future production. It is important to remember this is a petroleum reserve, not a wildlife refuge.

RDC understands the new plan will incorporate the most current information and develop management goals, objectives, and actions that would be consistent across the entire NPR-A. We also understand the planning effort will help identify management actions to mitigate impacts to resources from oil and gas leasing and other activities that may occur in NPR-A. It is our hope that such efforts will prevent future permitting issues, like the one at CD-5 where ConocoPhillips Alaska has hit a stone wall in advancing its project.

With climate change and polar bear critical habitat issues to be introduced into the new planning process, it is highly likely that anti-development forces will use these and other issues to demand the removal of additional acreage from exploration. Once areas have been removed from a sale or deferred from leasing, a dangerous precedent has been set. Assuredly, special interest groups will challenge any reinstatement in the future. Moreover, those who oppose new oil development in the Arctic are likely to demand permanent Wilderness protection of much, if not all, of the petroleum reserve's coastal plain, thus blocking future oil and gas exploration and development inside an area specifically intended for oil development.

RDC recognizes coastal areas of the petroleum reserve contain large populations of waterfowl and caribou and are coveted by local residents for subsistence hunting. However, a variety of protective measures, operating procedures, standards, and stipulations are employed to mitigate impacts of energy development on other land uses and resources in areas where development currently occurs on the North Slope. We urge BLM to provide access to NPR-A's

prospective acreage while providing reasonable measures to mitigate impacts. These measures should be both technically and economically feasible.

RDC strongly encourages the BLM to move forward with a comprehensive and consistent plan for NPR-A that will allow oil and gas exploration across the petroleum reserve's most prospective lands while mitigating potential impacts on the environment, wildlife, and other resource users. BLM should craft a plan that encourages access, expansion of important infrastructure into the petroleum reserve, and plants the seed for industry interest in future lease sales. Such a plan is vital and most appropriate to encourage energy exploration and production inside a petroleum reserve – and access for development of offshore resources in the OCS – at a time when there is an ever-increasing need for new domestic energy production.

In fact, BLM has a moral obligation to open NPR-A's highly prospective acreage to exploration, given the nation is now importing 60 percent of the oil it consumes and the threat high energy prices pose to Americans. Moreover, new energy production from the petroleum reserve is essential to maintaining a viable trans-Alaska oil pipeline, which is now operating at one-third the volume reached 20 years ago. It is unreasonable to expect state lands to continue to support the oil pipeline when most of the North Slope's remaining 20 billion-plus barrels of oil is located on federal lands. If much of the coastal areas of NPR-A are removed from exploration, then most of the energy reserve's potential will be gutted and industry interest and investment will move beyond Alaska.

Industry has invested significant resources into a large 3-D seismic program in NPR-A and considerable additional resources have been invested to interpret data and prepare for competitive bidding. This investment could be at risk, depending on the final determinations of the new planning process.

In the best interest of Alaska and the nation, RDC urges BLM to refrain from deferring highly prospective lands from development and move forward with clear and transparent actions that open NPR-A to its intended use – responsible oil and gas exploration, development, and production. Continued deferral and withdrawal of prospective lands is detrimental to improving the North Slope exploration investment climate and ultimate production. Such action will only serve to increase America's reliance on foreign oil, weaken our economy, and jeopardize national security.

Interestingly, had sensitive wildlife and wetland areas along the central North Slope coastal plain been withdrawn from exploration in the 1960s, there would have been no discovery of oil at Prudhoe Bay, Kuparuk, and other North Slope oil fields. Alaska would not have the economy and public infrastructure it has in place today, and the nation would have been forced to import at least an additional 16 billion barrels of oil over the past thirty years at a staggering cost. Instead, North Slope oil fields have elevated Alaska's economy over the past 30 years and the Central Arctic caribou herd has grown from 5,000 animals in 1970 to over 65,000 today. Development can be and is done right in Alaska.

We hope the new plan signals to resource industries that federal land in Alaska is open for business.

Minerals and coal leasing

Given the outstanding track record of the mining industry in the arctic and sub-arctic, the technological advances of the past decade, and the increasing need for strategic minerals, RDC also supports opening NPR-A to mineral entry, as well as industrial mineral and coal leasing. In addition, RDC encourages BLM to make provisions for transportation corridors to facilitate future resource development.

RDC acknowledges that before the mining of minerals and coal can occur, an act of Congress would be required to open NPR-A to mineral entry. We strongly encourage BLM to advance such a recommendation.

Specifically, the northern foothills of the Brooks Range have significant potential for base metals discoveries similar to the rich zinc and lead ores found at Red Dog Mine. It is well known that the region also holds significant deposits of copper and iron, as well as some of the most significant coal deposits anywhere in the world. In fact, America is called the "Saudi Arabia of coal," partly because of the reserve base inside NPR-A.

NPR-A should be managed with a true multiple use philosophy, allowing for the coexistence of development, recreation and subsistence uses. RDC opposes new single-purpose, highly-restrictive conservation units in NPR-A, given its energy and mineral-rich lands and potential future development. Moreover, Alaska already has an overwhelming majority of the nation's public lands closed to development. Environmental concerns and habitat issues can be adequately addressed through lease stipulations and the permitting process.

Decades of mining activity clearly demonstrate industry has the capability to operate throughout the arctic and sub-arctic while maintaining the highest standards of safety and environmental sensitivity. New advances in technology have reduced the footprint of development, allowing for greater consolidation of facilities and the preservation of more acreage within development zones for wildlife habitat.

The mining industry has proven it can explore and develop potential reserves in a way that minimizes impacts on the environment, traditional subsistence activities and cultural resources. Industry has taken the best practices and technology of the past 30 years of arctic development in both Alaska and Canada and has applied them to the latest generation of mineral development. This has led to a new and higher standard for responsible development and has reduced industry's footprint in sensitive areas.

Conclusion

The discovery and development of new oil, gas, mineral and coal deposits in NPR-A will benefit Alaska, local communities and the nation. Everyone who lives in Alaska will gain from new discoveries through the state and local revenues derived from production. These revenues will help sustain important state services to residents. Industry activity will also provide new job opportunities for local residents and boost the local economy. Development of new energy and mineral deposits will also enhance the nation's economy and security.

NPR-A is an 80-plus year-old petroleum reserve — specifically set aside because of its energy and mineral potential. Access to the entire NPR-A should be accommodated. Thank you for your consideration of our comments and concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carl Portman', written in a cursive style.

Carl Portman
Deputy Director



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September 7, 2010

Mr. Michael Bromwich, Director
Bureau of Ocean Energy Management, Regulation & Enforcement
381 Eldon Street MS 4010
Herndon, VA 20170

Re: Alaska OCS

Dear Mr. Bromwich:

The Resource Development Council (RDC) appreciates the opportunity to submit comments about future responsible development along Alaska's Outer Continental Shelf (OCS). RDC urges the Bureau of Ocean Energy Management, Regulation & Enforcement (BOEM) to lift the current ban on exploration activities in the relatively shallow waters of Alaska's OCS. Operating conditions in these waters are categorically different than those in the deep waters of the Gulf of Mexico and pose much lower risk. Moreover, the processes and safeguards in place today in Alaska should allow leasing and exploration activity to resume on the Alaska OCS.

RDC is a statewide membership-funded organization founded in 1975. Our Alaskan membership is comprised of individuals and companies from Alaska's oil and gas, mining, timber, tourism, and fisheries industries, as well as Alaska Native corporations, local communities, organized labor, and industry support firms. RDC's purpose is to link these diverse interests together to encourage a strong, diversified private sector in Alaska and expand the state's economic base through the responsible development of our natural resources.

RDC supports offshore exploration in the Alaska OCS because it is confident operations can occur safely. However, since recent events in the Gulf of Mexico, opponents of offshore drilling are calling for an indefinite ban on new exploration and development in Alaska. RDC sharply disagrees. While the tragedy in the Gulf reminds us there is always a risk to developing domestic energy resources, we cannot simply ignore our need for oil and gas.

RDC and many Alaskans share President Obama's view that America needs to conserve more and put new emphasis on renewable and alternative energy. By doing so, the nation can ultimately break its reliance on foreign oil. Yet while America must conserve more and move toward renewable energy, it still needs to pursue new oil and gas production, given the fact it will take decades before renewable energy becomes a dominant energy source. Even with the Obama administration's goal to decrease dependence on oil, it is projected that fossil fuels will still account for two-thirds of this nation's energy consumption in 2025.

Where will the oil come from to meet this demand? The OCS is the most logical choice, given its immense potential. If not the OCS, then where? For every barrel of oil not developed domestically, the nation will have little choice but to import another from foreign countries – where weaker environmental regulations often apply. Given economic and geopolitical concerns, that barrel should be produced here in Alaska – under American laws, regulations and oversight, and by American workers.

Drilling in the Arctic does pose unique challenges, but it also offers distinct advantages over deepwater exploration and development. There are also major differences between state and federal oversight and regulatory frameworks, as well as fundamental differences in the geology of the regions. All of these contrasts warrant special consideration in public policy decisions and should lead the BOEM to conclude that exploration should move forward offshore Alaska.

Important distinctions between Alaska and the Gulf include water depth, geology, and seasonality of drilling operations. In the Chukchi and Beaufort Seas, exploration would occur in water approximately 150 feet in depth, compared to 5,000 feet or more in the Gulf. The wells being drilled in the deep waters of the Gulf are also significantly different than those that would be drilled in Alaska, not only in water depth, but down-hole pressure. The pressure encountered in deepwater drilling is multiple times greater than in Alaska where wells would be drilled to a depth of 7,000 to 10,000 feet, compared to 20,000 feet in the Gulf. With the lower pressure, the safety margin in Alaska drilling is much greater and drillers would have significantly more time to identify and respond to an event. In addition, the relatively shallow water depth would allow blowout preventers to close much more rapidly than those in deep water. The blowout preventers would also be directly accessible to dive teams, unlike the Gulf where any maintenance or repairs must be accomplished by remote control vehicles. Another distinction is that many Alaskan offshore operations are seasonal in nature. For example, Shell has proposed conducting its exploratory drilling during the summer and fall open water season. Ice management vessels will be positioned on site to deflect any ice flows that could potentially approach a rig.

There has never been a blowout in the Alaska or the Canadian Arctic. Thirty wells have been drilled in the Beaufort and five in the Chukchi – all without incident. These wells were drilled in the 1980s, utilizing older technology compared to what exists today.

Advances in technology provide an additional measure of confidence in Alaska drilling. Energy development in Alaska is subject to in-depth analysis by federal law, a stringent permitting process, and oversight by state and federal agencies. In every instance, development is preceded by extensive studies. The North Slope and the offshore are now perhaps the most studied energy basins in America. The federal government has spent more than \$300 million

on studies in Alaska and in the past decade the agency has funded over 250 studies here, with the majority of those focused on the Beaufort and Chukchi Seas.

RDC recognizes that subsistence whaling is vitally important, both economically and culturally to North Slope villages. Industry and government working together have the ability to protect subsistence resources while producing needed domestic energy for the nation. Strong regulatory oversight, combined with other mitigation measures, can be employed to protect all resource and subsistence users.

Opponents of oil exploration have cited the lack of infrastructure in the Arctic as a reason not to drill in the region. However, it is important to note that additional infrastructure will be built to accommodate future needs once a green light is given to exploration and development activities. The lack of infrastructure today is directly due to the fact that there has been virtually no development or commercial activity of any kind offshore in the Arctic. However, Shell has committed to stage extensive resources onsite to immediately respond to any incident. The company has also committed to building and staging in the region a pre-fabricated dome to place over a troubled well. Moreover, virtually all functions of Shell's operations will be monitored at remote sites off the rig, giving industry and government critical "real-time" data and allowing for early detection of potential problems. In addition, the Alaska Clean Seas consortium has substantial resources and experience in the Arctic and has done extensive mapping to identify sensitive areas. The consortium has also conducted extensive drills in the Arctic and has active research programs dating back into the early 1980s.

It is important to note that not all questions and concerns regarding oil and gas exploration and development can possibly be answered and met. Not all risks can be eliminated. If the federal government insists that every concern and risk be eliminated, then it must be prepared to import virtually all the oil it requires to meet future needs. It must then also accept the consequences of a much heavier reliance on foreign oil, including soaring trade deficits, a weaker and more vulnerable economy, and compromised national security. Put another way, failure to move forward with OCS development in Alaska will put the economy at risk, as well as the nation's security. RDC has a high level of confidence that exploration and development can occur safely in the Arctic and that mitigation measures can be put in place to address most concerns and minimize impacts to the environment, polar bears, and other species.

The responsible development of potentially immense oil and gas deposits in the Arctic would significantly boost Alaska's economy and extend the life of the trans-Alaska oil pipeline. The Alaska OCS has the potential to sharply increase throughput in the pipeline, which is currently operating at one-third capacity. Without new significant discoveries of oil, the pipeline could be uneconomic to operate at some point after 2020. In addition, OCS gas reserves would significantly improve the long-term economic viability of the proposed gas pipeline from the North Slope to the Lower 48 – a clean energy priority of the Obama administration. To become a reality, the pipeline requires additional gas reserves beyond what has already been discovered onshore.

New production in the Alaska OCS would also reduce America's reliance on foreign energy. The Alaska OCS is an important future source of U.S. energy supply with an estimated 27

billion barrels of oil and 132 trillion cubic feet of natural gas potentially in place. By comparison, total production from the North Slope over the past 32 years has been approximately 16 billion barrels. The potential recoverable reserves offshore Alaska is more than all the current total proven U.S. oil reserves of approximately 21 billion barrels. Alaska would have the ninth largest oil resources in the world ahead of Nigeria and Libya – if access is granted to these potential reserves.

Yet despite this potential, the U.S. chooses to import 60 percent of the oil it consumes – at a great cost. Not developing its reserves in Alaska and those elsewhere in the American OCS makes no sense from an economic and energy security stand point. American oil production is projected to decrease by 9.9 billion barrels within the next 20 years, nearly a 15 percent annual decrease from current levels. Meanwhile, imports of oil from OPEC are projected to increase by 4.1 billion barrels, nearly 19 percent – and at a cost of \$607 billion.

Given its potential for immense recoverable reserves and enormous economic benefits to the state and nation, the Alaska OCS should be opened to responsible development. OCS development would generate hundreds of billions of dollars in royalty and tax revenues to the state and federal governments and aid the nation's economic recovery by reducing the trade deficit and creating tens of thousands of new jobs. OCS leases off Alaska's coast have already generated billions of dollars to the federal treasury.

With its enormous potential reserves, the OCS can sustain Alaska's economy for generations. Currently there are more than 108,000 Alaskan jobs tied to the discovery, production and shipment of Alaskan oil and natural gas, accounting for more than 15 percent of Alaska's population. According to a University of Alaska study, OCS production could provide an annual average of 35,000 additional jobs within the state for 50 years and \$72 billion in new payroll.

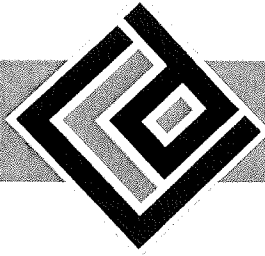
It is vital that our nation's abundant energy resources be fully utilized for compelling economic and energy security reasons. RDC encourages BOEM to lift the ban on drilling in the Chukchi and Beaufort Seas and to work closely with the State of Alaska and local governments to ensure development coexists with subsistence activities and other uses.

Thank you for the opportunity to provide comments on Alaska OCS development and oil spill preparedness and response.

Sincerely,



Carl Portman
Deputy Director



RESOURCE DEVELOPMENT COUNCIL

Growing Alaska Through Responsible Resource Development

September 3, 2010

Dr. Jim Balsiger, Regional Administrator
Alaska Region, NMFS
Attn: Ellen Sebastian
P.O. Box 21668
Juneau, AK 99802

Re: Steller Sea Lion Draft Biological Opinion

Dear Dr. Balsiger:

The Resource Development Council (RDC) writes in response to the request for comments on the Draft Biological Opinion (BiOp) for the western distinct population segment of the Steller sea lion.

RDC is a statewide, non-profit business association comprised of individuals and companies from Alaska's oil and gas, mining, forest products, tourism and fisheries industries. RDC's membership includes Alaska Native corporations, local communities, organized labor and industry support firms. Our purpose is to encourage a strong, diversified private sector in Alaska and expand the state's economic base through responsible resource development.

RDC endorses the recently submitted comments related to the Steller sea lion by the State of Alaska, and the Reasonable and Prudent Alternative (RPA 4) proposed by the North Pacific Fishery Management Council.

RDC is concerned about the lack of scientific basis for the new restrictions proposed by the National Marine Fisheries Service (NMFS) in the BiOp. Based on the best available data, there is no clear evidence the Steller sea lion is facing nutritional stress. Indeed the population is increasing in most areas, indicating additional measures, such as fishery closures, are unnecessary. Further, RDC continues to endorse additional funding for research.

In addition, RDC encourages NMFS as it finalizes the Environmental Assessment/Regulatory Impact Review to carefully consider the potential economic impact to Alaskan communities from the new restrictions. These restrictions could result in the loss of approximately 1,000 jobs and millions of dollars, with likely no added benefit to the Steller sea lion.

Thank you for the opportunity to comment on this important issue and for your consideration of our comments.

Sincerely,

Marleanna Hall
Projects Coordinator

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RESOURCE DEVELOPMENT COUNCIL

Growing Alaska Through Responsible Resource Development

August 27, 2010

The Honorable Secretary Ray LaHood
US Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Secretary LaHood:

The Resource Development Council (RDC) is writing to encourage the Federal Highway Administration (FHWA) to help move forward in a timely manner the Knik Arm Crossing project in Anchorage, Alaska. The Knik Arm Bridge is a regional connectivity project that will provide a critical infrastructure link between our communities, as well as a much-needed freight and service connection between Anchorage, the Matanuska-Susitna Borough and Interior Alaska.

RDC is a statewide, non-profit business association comprised of individuals and companies from Alaska's oil and gas, mining, forest products, tourism and fisheries industries. RDC's membership includes Alaska Native corporations, local communities, organized labor and industry support firms. Our purpose is to encourage a strong, diversified private sector in Alaska and expand the state's economic base through responsible resource development.

The Knik Arm Bridge and Toll Authority is seeking your assistance in obtaining TIGER II grant funding for this project to cover increased expenses due to delays and additional assessment requirements imposed on the Knik Arm Crossing by the addition of the Cook Inlet beluga whale to the Endangered Species Act. As part of ongoing federal economic stimulus programs, DOT has available \$600 million in TIGER II grants designated for infrastructure projects across the country. This grant money is to be awarded on a competitive basis to projects that will have significant impact nationally, regionally or on a metro area. The Knik Arm Crossing is a well defined and permitted project that is only awaiting a Record of Decision (ROD) from FHWA before it moves to the public/private partnership phase for design and financing feasibility.

The Knik Arm Crossing will have a significant long-term impact on Alaska's largest city, Anchorage, and the Matanuska-Susitna Borough, which is the 31st fastest growing community in the U.S. The project will also provide benefit to the Southcentral and interior regions of Alaska by providing a more direct route for freight moving north of Anchorage. The Port of Anchorage receives over

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80% of the incoming freight for the state, and a significant amount of that freight is then trucked north to cities and towns for use or further distribution to more remote areas of the state. Overall, 65 percent of the state's population will directly or indirectly benefit from the proposed bridge.

The bridge will also serve as an important alternate transportation link between Anchorage and the Matanuska-Susitna Valley. In addition, it is important to note that providing an alternative safety corridor for Alaska's largest city makes sound sustainable economic sense. It will reduce commuting time for residents and open access to undeveloped land needed for both industrial and residential expansion. The undeveloped area two miles north of Anchorage that will be directly accessed by the bridge and its approach road will expand the single-family housing options that are presently constrained by a lack of residential building lots in the Anchorage Bowl. Industrial land needs will also be served by the bridge and will allow for the growth and expansion of industry while still affording ready access to the port, airport, and business centers in Anchorage.

The Knik Arm Crossing is a project ready to move to the design and construction phases. It has an approved Environmental Impact Statement and the ROD from the FHWA has been anticipated for several months now. Assuming the private developer's economic analysis establishes a financeable project, design and construction will provide hundreds of jobs to the metro areas to be served by the bridge.

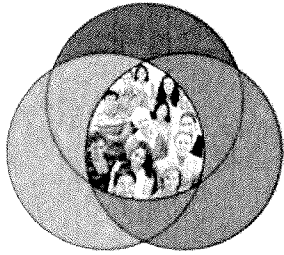
The Knik Arm Crossing would provide a much-needed economic boost to Alaska, create thousands of jobs, improve access to natural resource development and provide regional transportation connectivity between our communities and ports. On behalf of RDC, I request your serious consideration and support for TIGER II grant funding for the Knik Arm Crossing.

Sincerely,

RESOURCE DEVELOPMENT COUNCIL
For Alaska, Inc.



Carl Portman
Deputy Director



ALASKA COMMON GROUND
www.akcommonground.org

AND

PARTNERS FOR PROGRESS
www.partnersforprogressak.org



Cost-Effective Justice New Directions for Prisoner Rehabilitation and Re-entry

Anchorage Public Library, Z.J. Loussac Branch - Assembly Chambers
3600 Denali Street
Saturday, September 18, 9:00 a.m. to 4:30 p.m.

9:00 a.m. Welcome: Alaska Common Ground - Peg Tileston
Partners for Progress - Janet McCabe
Department of Corrections Chaplaincy Coordinator, Rev. Mike Enschede

Ground Rules and Guidelines: Moderator, Rick Mystrom

9:15 a.m. Linda Mills:
What Is Driving State Corrections Reform Nationwide

Department of Corrections Commissioner Joseph Schmidt
Charge to the Forum: What's At Stake for Alaska

9:45 a.m. **Trends Affecting Incarceration in Alaska**
1. The People by the Numbers – Linda Mills, Consultant to Re-entry Task Force
2. Recidivism and Public Costs – Teri Carns, Alaska Judicial Council
3. Human Costs: Impacts on Family and Community – Georgianna Lincoln

Audience Questions

10:30 a.m. **BREAK**

10:45 a.m. **Problems that Underlie Criminal Behavior**
1. Mental Illness – Judge Rhoades, Mental Health Court
2. Addiction, Alcoholism – Jeff Jessee, Alaska Mental Health Trust
3. Addiction, Narcotics – Dr. Paula Colescott
4. Poverty – Melissa Abrami, Nine Star Enterprises, Inc.
5. Criminal Thinking Errors – Judge William Morse, Anchorage Wellness Court

Audience Questions

11:45 p.m. Introduction of successful re-entrants and Wellness Court graduates who will join the luncheon tables in the lobby – Judge Jim Wanamaker (retired)

Presentation of the Partners for Progress Award for Leadership in Therapeutic Justice

BOX LUNCH IN THE LOBBY

1:00 p.m. **New Directions**

Texas Representative Jerry Madden

Prison Reform in Texas: The Wisdom of Practicality

Judge Roger K. Warren (retired), President Emeritus National Center for State Courts

Problem-Solving Sentencing Practices

Discussion between guest speakers and Alaska Criminal Justice System leaders facilitated by Thomas MacLellan, National Governors Association

1. Chief Justice, Walter Carpeneti
2. Richard Svobodny, Deputy Attorney General, Criminal Division
3. Public Defender, Quinlan Steiner
4. Department of Corrections Commissioner, Joseph Schmidt
5. Senator Johnny Ellis
6. Senator Fred Dyson
7. Representative Mike Chenault, Speaker of the Alaska State House

2:30 p.m. BREAK

2:45 p.m. **Toward Cost-Effective Justice in Alaska**

1. Preparing for Re-entry in Prison – Bryan Brandenburg, Dept. of Corrections
2. Motivating Life Without Crime – Denise Morris, Alaska Native Justice Center
3. The Alaska Prisoner Re-entry Task Force – Carmen Gutierrez, Dept. of Corrections
4. The Victims' Perspective – Nancy Haag, Executive Director STAR

Audience Comments and Questions

4:00 p.m. Linda Mills and Thomas MacLellan - Seminar Summation: Next Steps for Alaska

Opportunity for Comments by Legislators

Closing remarks – Peg Tileston and Janet McCabe

4:30 p.m. Adjourn

**IAEE/UAA to host public forum on aftermath to the Gulf of Mexico:
the future of offshore drilling in Alaska—the risk/reward balance**

ANCHORAGE, AK—The Anchorage Chapter of the International Association of Energy Economics (IAEE) and University of Alaska Anchorage (UAA) will co-sponsor a free public forum on the future of offshore drilling in Alaska on Wed., Sept. 22 at 7 p.m. in UAA's Wendy Williamson Auditorium. The focus on the forum will be navigating the risk/reward spectrum. The purpose of the forum will be to present a variety of perspectives to the public, and to conduct a deliberative discussion surrounding the benefits and risks of Arctic drilling within the contexts of:

- addressing oil spills in an ice environment;
- risk mitigation (prevention, paying for spill damages); and
- benefits of Alaska offshore development.

Panelists will include:

- David Ramseur, Chief of Staff to Senator Mark Begich
- Mayor Edward Itta, North Slope Borough
- Pete Slaiby, Vice President, Shell Alaska Co.
- John Schoen, Senior Scientist, Alaska Audubon Society

The forum will be moderated by Michael Carey, host of *Anchorage Edition* and *Running* on KAKM public television, and guest columnist for the *Anchorage Daily News*.

Panelists will take questions from the audience following their presentation.

Parking will be free in the lot east of the Wendy Williamson Auditorium and west of the Professional Studies Building (formerly Building 'K'). For a campus map go to <http://www.uaa.alaska.edu/map/>

The IAEE is an organization of corporate, government, academic, and scientific economists dedicated solely to the education of the public on energy economic issues.

For information, contact Roger Marks at 907-250-1197 or rogmarks@gmail.com



Oil in Alaska

Interested in the history, issues and politics of oil in Alaska? Come join us for eight Fridays exploring the topic with a world-class line up of speakers. Jack Roderick, author of "Crude Dreams: A Personal History of Oil & Politics in Alaska," will facilitate this exciting eight-week course for OLE! - Opportunities for Lifelong Education. Each session, an expert will share insights, knowledge and experiences on a different aspect. Session and speakers include:

- Oct 1 - **JACK RODERICK** - Early oil exploration in Alaska
- Oct 8 - **TOM MARSHALL** - State land selection officer when Prudhoe Bay was selected
- Oct 15 - **MIKE AND TIM BRADNER** - Publishers of Alaska Legislative Digest and Alaska Economic Report - the politics of Alaskan oil
- Oct 22 - **ROGER MARKS** - Former State Dept. of Revenue - Alaska's petroleum economics
- Oct 29 - **HAROLD HEINZE** - Executive director, Alaska Natural Gas Development Authority - use of instate gas
- Nov 5 - **RICHARD GLENN** - Executive vice president of lands and natural resources, Arctic Slope Regional Corporation - North Slope developments
- Nov 12 - **GORDON POSPISIL** - BP's manager, technology, seismic delivery & organizational capability - North Slope's viscous (heavy) oil
- Nov 19 - **J.R. WILCOX** - President, Cook Inlet Energy, an independent's view

Class Times: Fridays from 11:30 am to 12:45 pm.
Location: Allied Health Sciences Building, Room 106 at UAA.

Join OLE! and register for the class through www.OLEAnchorage.org. Your \$150 membership includes not only the "Oil In Alaska" course, but a full year of taking as many OLE! courses as you wish. Twenty classes are being offered this fall session. For questions, contact us through the OLE! website or call 272-9434



RESOURCE DEVELOPMENT COUNCIL

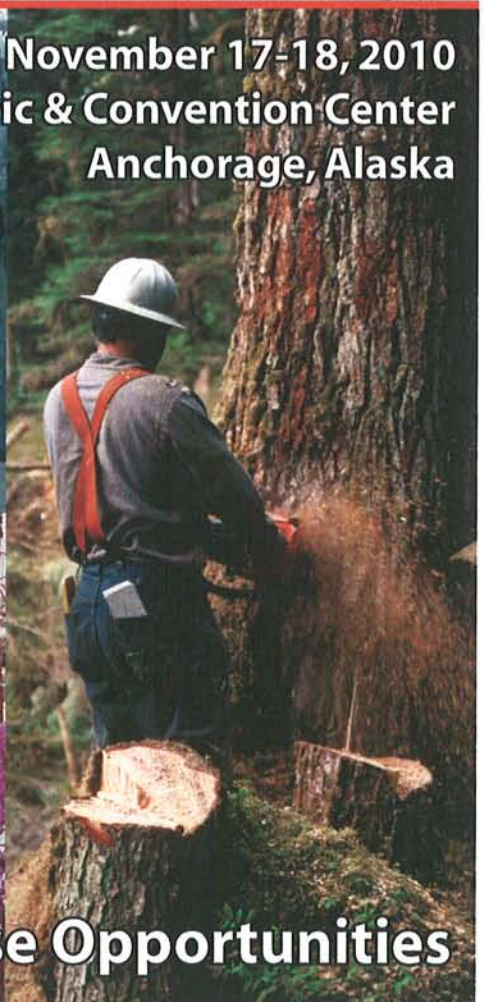
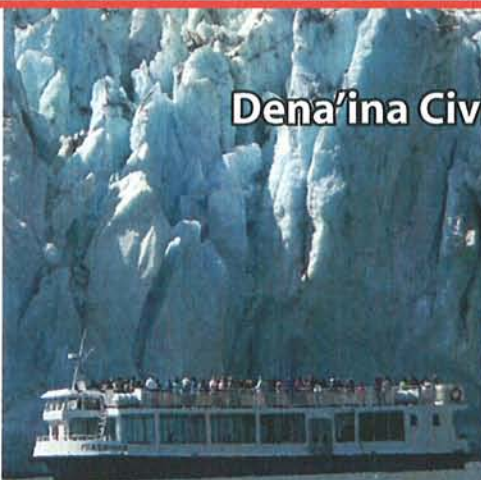
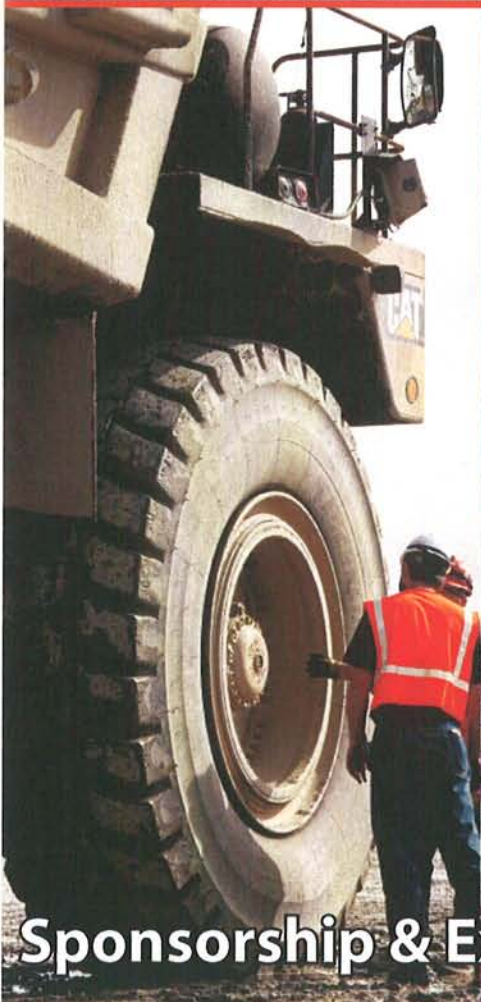
31st Annual Conference

Alaska Resources 2011

November 17-18, 2010

Dena'ina Civic & Convention Center

Anchorage, Alaska



Sponsorship & Exhibitor Showcase Opportunities

RDC's 31st Annual Conference

Alaska Resources 2011

Wednesday and Thursday, November 17-18, 2010
Dena'ina Civic & Convention Center
Anchorage, Alaska

RDC's 31st Annual Conference, *Alaska Resources 2011*, will provide timely updates on projects and prospects, address key issues and challenges, and consider the implications of state and federal policies on Alaska's oil and gas, mining, and other resource development sectors. The conference will also feature the latest forecasts and updates on Alaska's main industries, as well as how companies are navigating the current economic environment.

Nearly 1,000 people are expected to register and attend Alaska's most established and highest profile resource development forum of the year. Attendees will include decision-makers from across all resource industries, support sectors, Native corporations, federal, state, and local government officials, as well as educators and students.

RDC would be honored to have your company sponsor *Alaska Resources 2011*. Conference sponsors and attendees will be treated to a diverse and knowledgeable slate of speakers, as well as networking opportunities, such as gourmet breaks in the exhibit area, luncheons, and a VIP reception.

Your sponsorship dollars stay right here in Alaska. RDC puts them to work for its members to influence and shape state and federal public policy, encourage investment in Alaska, and grow the economy through responsible resource development.

Please join us at the Dena'ina Civic & Convention Center in Anchorage on November 17-18, 2010.

Thank you for your support and participation!



Oil & Gas



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Alaska Resources 2011

Event Sponsorship & Exhibit Opportunities

Platinum Sponsor \$5,000

- Ten registrations to the conference (\$4,500 value)
- Half-page ad in the conference program (Ads are 5"h x 7.25"w)
- Sponsor recognition in all conference communications and the *Resource Review* newsletter
- Listing of your company logo in PowerPoint screens at the conference

Cosponsor \$3,000

- Six registrations to the conference (\$2,700 value)
- Quarter-page ad in the conference program (Ads are 5"h x 3.5"w)
- Sponsor recognition in all conference communications and the *Resource Review* newsletter
- Listing of your company logo in PowerPoint screens at the conference

General Sponsor \$2,000

- Four registrations to the conference (\$1,800 value)
- Sponsor recognition in all conference communications and the *Resource Review* newsletter
- Listing of your company logo in PowerPoint screens at the conference

Underwriter \$1,000

- Two registrations to the conference (\$900 value)
- Sponsor recognition in all conference communications and the *Resource Review* newsletter
- Listing of your company logo in PowerPoint screens at the conference

Exhibitor \$1,000

- Exhibit booth at the conference (Booths are 10' x 10'. Space selection is first-come, first-serve.)
- Includes one registration to the conference
- Recognition in conference program

**Return pledge form by October 8 to be listed in the conference brochure.
Please send ads and logos by October 29 to resources@akrdc.org.**

Alaska Resources 2011

Specialty Sponsorship Opportunities

Wednesday or Thursday's Eye-Opener Breakfast \$4,000 each

Every registrant's first stop! A warm buffet with a wide variety of breakfast fare. **SOLD OUT!**

Wednesday or Thursday Morning Breaks \$3,000 each **SOLD OUT!**

The conference stops for these popular breaks. Advertise your company with our specially-designed breaks!

Wednesday Afternoon Break \$3,000

Network at an old-fashioned ice cream social event with other special treats.

Thursday Send-Off Toast \$5,000

Champagne and sparkling cider and chocolate-covered strawberries provide an elegant conclusion to Alaska's premier conference on resource development. Sponsor is welcome to deliver closing toast.

Centerpiece Sponsor \$5,000 **SOLD OUT!**

Personalized arrangements at each table with your company logo.

VIP Reception Sponsor **SOLD OUT!**

Wrap up the opening day of the conference with a networking reception open to all conference attendees featuring cocktails and gourmet appetizers.

Wednesday or Thursday's Espresso Coffee Stand Sponsor \$3,000 each

A big hit among conference attendees who so much appreciate gourmet lattes, mochas, and specialty teas. Your company logo on every cup! **ONLY ONE REMAINING!**

RDC Grand Raffle

Donate a prize of your choice for the popular drawing held at the close of the RDC Conference. Donors are recognized in the conference program.

Please fill out the following information and email to resources@akrdc.org or fax the form to (907) 276-3887. Questions? Call (907) 276-0700. RDC will send an invoice or gladly accept credit card payments.

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RDC's 31st Annual Conference

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Individual registration will be available on October 18th

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121 West Fireweed, Suite 250 Anchorage, AK 99503
resources@akrdc.org Phone: 907.276.0700 Fax: 907.276.3887

*The Alaska Miners Association
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Please call 907-276-5487 or e-mail raffle@akresource.org with any questions.

*Alaska Resource Education's mission is to provide Alaska's students with the
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Alaska Resource Education is a 501(c)(3), and your donation may be tax deductible.*