

Alaska Industrial Development and Export Authority  
BOARD MEETING MINUTES  
Thursday, November 7, 2024  
Anchorage, Alaska

**1. CALL TO ORDER**

Chair Pruhs called the meeting of the Alaska Industrial Development and Export Authority to order on November 7, 2024, at 9:10 am.

**2. ROLL CALL BOARD MEMBERS**

Members present: Chair Dana Pruhs (Public Member); Vice-Chair Bill Kendig (Public Member); Julie Sande (Commissioner, DCCED); Adam Crum (Commissioner, DOR); Albert Fogle (Public Member); Randy Eledge (Public Member); and Bill Vivlamore (Public Member).

A quorum was established.

**3. AGENDA APPROVAL**

**MOTION: A motion was made by Mr. Eledge to amend the agenda; postponing Item 5B. FY2024 AIDEA Audited Financial Statements, and Item 5D. Resolution No. G24-15 Declaring FY26 Dividend to the State, to the December 11, 2024 AIDEA meeting. Motion seconded by Mr. Fogle.**

**The motion to amend the agenda passed without objection.**

**4. PUBLIC COMMENTS**

Chair Pruhs reminded members of the public to please state their name and affiliation. He noted that each person will be given two minutes for comments, and that the comments should address the items on today's amended agenda. If the comments are not for subjects on today's agenda, then those comments should be presented when that subject matter comes before the Board.

Margi Dashevsky, public member, requested to provide public comment regarding items from the previous Board meeting since she was unable to provide public comment at that time due to the technology glitch. Chair Pruhs declined public testimony related to items not on today's agenda. He asked for the subject matter of Ms. Dashevsky's public comments. Ms. Dashevsky was away from the microphone, and indicated that her comments relate to the Arctic Refuge allocation and another subject. Chair Pruhs responded that he believes those subjects will be on next month's agenda. Ms. Dashevsky noted that she received written invitation to speak at both today's meeting and at next month's meeting. Chair Pruhs commented that was a mistake. Ms. Dashevsky requested to comment on Item 5C., the retention of outside counsel for the Ambler District. Chair Pruhs agreed.

Ms. Dashevsky encouraged the Board to reconsider and not pass the resolution for the retention of counsel for the Ambler District. She is attending today in-person because she was unable to provide telephonic public comments at the previous meeting due to the technical glitch. Ms. Dashevsky informed that she has been providing public testimony since 2020, and has repeatedly experienced obstructions to public comment similar to today's difficulty. She feels that members' minds are made up before she has the opportunity to testify, and in today's case, she is not allowed to speak about her primary issues. Ms. Dashevsky wants to ensure that the AIDEA Board hears from the public and she underscores the importance of public process. The inability for the public to comment at the prior meeting was a blatant disregard for the importance of public process. She noted that the Board made critical decisions at the previous meeting and essentially silenced public input. Ms. Dashevsky stated this is the latest in AIDEA's longstanding track record of violating the Open Meetings Act.

Ms. Dashevsky commented that AIDEA has wasted a tremendous amount of money on poor investments. She stated that Item 5C. Resolution No. G24-13, Retention of Outside Counsel for the Ambler District is an extension of wasting money on sunk costs, and will not have a return on investment. She commented that Alaskans need to be looking forward and investing to promote a thriving future. Ms. Dashevsky asked if there is legal oversight from the State Department of Law (DOL) at the meetings regarding adherence to the Open Meetings Act.

Chair Pruhs responded that the public comment agenda item is not a question-and-answer session. He noted that AIDEA would be happy to answer Ms. Dashevsky's question if she puts the question in writing and provides it to staff. Ms. Dashevsky agreed. Chair Pruhs commented that Item 5C. Resolution No. G24-13 encompasses more than one topic. The resolution is for multiple topics with specialties in multiple areas. Chair Pruhs clarified that outside counsel is not one person. Outside counsel will be multiple firms associated with their expertise for AIDEA's daily business.

Ms. Dashevsky commented that the Ambler Road is included. Chair Pruhs agreed that Ambler may be a part of what is included, and that the discussion regarding Arctic National Wildlife Refuge (ANWR) will be addressed at the December 11, 2024 meeting.

There were no other members of the public in-person who requested to comment. Raymie Hamann, AIDEA, indicated there were two members of the public online who requested to comment.

Sean McDermott, Northern Alaska Environmental Center, noted that in light of Chair Pruhs' comments today, Mr. McDermott quoted the response he received from AIDEA staff following the failure to enable comments at the October Board meeting: "AIDEA will have upcoming Board meetings on November 7<sup>th</sup> and December 11<sup>th</sup>, 2024, to the extent members of the public would like to provide oral comment on ANWR Resolution G24-11, including the potential withdrawal of the resolution. They are invited to use either of those Board meetings." Mr. McDermott reiterated that language was AIDEA's conveyance to the public.

Mr. McDermott stated his strong opposition to AIDEA's approval of up to \$20 million to bid during the mandated lease sale in the ANWR coastal plain later this year. He expressed his

disappointment that the Board moved forward at the October meeting to approve Resolution G24-11 without allowing public testimony. AIDEA's suggestion that concerned Alaskans call again today to comment on an already-approved resolution, only to state at today's meeting that those comments will not be welcome, is not an adequate response. Mr. McDermott noted that the Board was aware of the issues with public comments during the last meeting and chose to approve resolutions without allowing for comment. He reiterated his disappointment again. Mr. McDermott commented that the initial lease sale of 2021 was riddled with flaws and environmental oversights, and the Department of Interior's (DOI) final supplemental environmental review supports cancelling AIDEA's original leases. He stated that the leases are against Alaskans' economic interest for AIDEA to continue pursuing oil and gas development, and compromises environmental and community health on both sides of the Alaska-Canada border.

Mr. McDermott commented that it is troubling that AIDEA continues to ignore overwhelming public opposition to their projects like Ambler Road and the ANRW oil and gas leasing. He noted that the money AIDEA continues to spend on these misguided projects is public funding and should be used to support Alaskans. Mr. McDermott requested that AIDEA reconsider their approval of Resolution G24-11 and that the Board not approve Resolution G24-13, in regards to retaining counsel concerning the Ambler Road project. Mr. McDermott commented that there should be more notice of planned resolutions, transparency, and opportunity for meaningful public involvement in AIDEA's decisions, which use public money and impact all Alaskans.

Chair Pruhs thanked Mr. McDermott for his comments. Chair Pruhs reminded the public to please speak to the items on today's agenda.

Pamela Miller of Fairbanks commented that she has been following this issue for most of her life. Ms. Miller stated that she believes what has been said about the agenda is blatantly incorrect, as Resolution G24-13 is on the agenda, and it explicitly states in the "Therefore, be it resolved" section that this "Authority authorizes its Executive Director to pay up to \$750,000 for the costs of litigation related to leases for the Alaska National Wildlife Refuge from the Authority's Revolving Fund." Ms. Miller commented that if the Revolving Fund is a slush fund, that means payments can be made without proper procedures, which is a problem. She noted that the word "Alaska" should be "Arctic," meaning the Arctic National Wildlife Refuge.

Ms. Miller commented that AIDEA has not corrected the problem with the public process on the prior resolution, and is now claiming that AIDEA will wait until the next meeting to deal with that problem. Ms. Miller urged AIDEA to perform its operations in a Zoom meeting where the public can see the people they are testifying in front of, and likewise, AIDEA can see the Alaskans who are testifying, rather than hear a disembodied voice. Ms. Miller noted that she had to confirm how to make a comment and raise her hand after she called in today because those instructions are not provided in the call-in message. Ms. Miller commented that AIDEA's arcane public process impedes a meaningful public process. Ms. Miller urged AIDEA not to approve Resolution G24-13, which also addresses Ambler and other issues. She commented on the meaningless process and expressed appreciation for the comments of the other members of the public.

Chair Pruhs thanked Ms. Miller for her comments.

Andrea Feniger of Anchorage expressed opposition to Item 5B. Resolution G24-13, and recommended not retaining counsel for Ambler Road through the fund. Ms. Feniger noted that she attended the meeting last month and attempted to comment on Resolution G24-11, but was unable. She stated that she understands the request today is for comment on today's agenda only, even though the public was not given the opportunity to comment last month, and that AIDEA moved forward with a vote on that resolution. Ms. Feniger stated that she feels disillusioned about the public process and her ability as an Alaskan to engage. She expressed opposition to G24-11, and asked that the Board reconsider their approval of the \$20 million to bid on leases. Ms. Feniger stated that enough time and money has been wasted on a fruitless venture that other people are not interested in. She commented that it is a bad investment, and it is time to turn the page on that fruitless venture. Ms. Feniger urged the Board to reconsider the decision, and right the wrong of not letting the public comment, moving forward with the vote anyway, and requesting today that the public stay silent about the issue.

Chair Pruhs thanked Ms. Feniger for her comments.

There were no other members of the public online or in-person who requested to comment. Chair Pruhs closed the public comment section.

**MOTION: A motion was made by Mr. Fogle to enter into executive session for the purpose of discussing the FY 2024 Draft Audited Financial Statements; the FY 2026 AIDEA Dividend; AIDEA's Internal Investment Policy, Potential Project Investment Opportunities; and Legal Matters; all of which are subject to the deliberative process, executive process, or attorney-client privileges, as well as statutory protections from disclosure under the Alaska Open Meetings Act and the Alaska Public Records Act. These matters, which if discussed publicly, could have an adverse effect on the finances of AIDEA, are matters that are attorney-client privileged, and matters involving consideration of issues that by law are not subject to public disclosure due to the executive or deliberative process, privilege, or other law. The executive session and matters discussed therein are proper subjects for an executive session under the Alaska Open Meetings Act, reference Alaska Statute 44.62.310 (C)(1), (3), and (4), and the Alaska Public Records Act. Motion seconded by Mr. Vivlamore.**

**A roll call was taken, and the motion to enter into Executive Session passed unanimously.**

**5A. EXECUTIVE SESSION: 9:23 am. Confidential and deliberative matters related to: Review of AIDEA FY 2024 Draft Audited Financial Statements; the FY 2026 AIDEA Dividend; AIDEA's Internal Investment Policy; Potential Project Investment Opportunities; and Legal Matters; all of which are subject to the deliberative process, executive process, or attorney-client privileges, as well as statutory protections from disclosure under the Alaska Open Meetings Act and the Alaska Public Records Act.**

The Board reconvened its regular meeting at 12:40 pm. Chair Pruhs advised that the Board did not take any action on matters discussed while in Executive Session. The session was limited to discussion of matters directly protected from public disclosure by the Open Meetings Act.

**5B. FY2024 AIDEA Audited Financial Statements – Postponed**

**5C. Resolution No. G24-13 AIDEA Retention of Outside Counsel**

Randy Ruaro, Executive Director, explained that Resolution No. G24-13 authorizes the use of up to \$750,000 in AIDEA funds for litigation related to the ANWR leases that were wrongfully and unlawfully cancelled by the federal government. AIDEA is in current litigation over those leases. The hope is to have a positive decision within the next four to five days that will affect the litigation going forward, and possibly end the litigation. Mr. Ruaro explained that the other part of Resolution No. G24-13 authorizes the use of up to \$750,000 in AIDEA funds for litigation related to the Ambler Road, and the federal administration's unlawful denial of AIDEA's guaranteed right-of-way access to State lands under Section 6I of the Statehood Act. The right-of-way access was also guaranteed in 1980 under Alaska National Interest Lands Conservation Act (ANILCA), Section 201(4) and Section 1110(b). Both of these sections state clearly that access is mandatory and is not a discretionary function for the Secretary to choose to grant or not to grant. Litigation is likely required, depending on what occurs in the next few months. AIDEA hopes to resolve the access issue soon.

Mr. Fogle commented that AIDEA has several lawsuits pending with Judge Sharon Gleason pertaining to Alaska State rights versus the federal government. He asked Mr. Ruaro if many of these injustices to the State of Alaska are violations of ANILCA. Mr. Ruaro responded that the access rights under the Statehood Act are guaranteed wherever there is State land. He agreed that the violations are broader than the Ambler Road and the specific statutes in ANILCA that focus on Ambler.

Commissioner Sande noted that public testimony received today indicated that the majority of public comments were opposed. She requested Mr. Ruaro discuss his experience of the majority of public comments versus the majority of public opinion, specifically regarding the communities of Shungnak and Allakaket, and other communities he has visited in which the jobs would have the most benefit and impact. Mr. Ruaro gave context that the decision to develop Alaska's natural resources, including developing access to those resources, was decided at the time of statehood. It is embedded in the Alaska Constitution, and is not up for a vote. It would take an amendment to the Alaska Constitution to remove the mandate to develop resources for the good of all Alaskans. Mr. Ruaro commented that Alaska State lands are owned essentially in common for the benefit of all Alaskans. Individuals may think it is a weight of public comment, and that one side or the other that should prevail, but the decision of whether to develop resources was made at statehood. Mr. Ruaro suggested that the mandate to develop resources should be aggressively pursued.

Mr. Ruaro reviewed that the Legislature created AIDEA's mission and included the development of resources in its statutes. He noted that employment is good for the Legislature, good for the State, and that AIDEA should continue to push forward. Mr. Ruaro indicated that AIDEA has

visited communities and has letters of support from individuals who live closest to the project. He stated that their voices should be given significant weight. Mr. Ruaro noted that Allakaket and Hughes Village have passed resolutions of support for the project. He discussed the expensive and tough living conditions in the communities nearest the project. Mr. Ruaro commented that many residents want something better for themselves and their families in order to keep people living in their communities, rather than moving away. He highlighted that Chair Larry Westlake, Sr. mentioned at one meeting that the question to ask is not what will happen to the communities if a mine and a road are developed, it is what will happen to the communities, the people, and the children if there is no development.

Mr. Ruaro stated that while he respects all comments and everybody is entitled to voice their opinion, AIDEA has a mandate that is not optional and is not subject to popular vote. He reiterated that it is the right mandate for the betterment of all Alaskans. AIDEA will continue working with the communities and the tribes in providing information. Mr. Ruaro commented that the unemployment rates in those communities are extreme, and many people want a better life. He believes that AIDEA could positively help. There were no other questions.

**MOTION: A motion was made by Mr. Fogle to approve Resolution G24-13, Resolution of AIDEA approving the retention of outside counsel and initiation of litigation to address unlawful federal overreach severely impacting its projects and mission. Motion seconded by Mr. Vivlamore.**

**A roll call was taken, and the motion to approve Resolution G24-13 passed, with Commissioner Crum absent.**

**5D. Resolution No. G24-15 Declaring FY26 Dividend to the State - Postponed**

**5E. Next regularly scheduled AIDEA Board Meeting: Wednesday, December 11, 2024**

Mr. Ruaro indicated that the next meeting agenda will likely include two loans from the Loan Participation Program, the resolutions that were postponed at today's meeting, discussion regarding AIDEA's investment policy, and discussion regarding the ANWR leases and status.

Chair Pruhs commented that additional details will be known and reviewed regarding the ANWR leases. He suggested that staff prepare an updated resolution. Mr. Ruaro agreed. Mr. Ruaro explained that Bureau of Land Management (BLM) issued a Record of Decision (ROD) yesterday that selected an alternative. However, it is expected that additional terms and conditions will be imposed by DOI within the next two weeks.

## **6. BOARD COMMENTS**

Mr. Fogle thanked Mr. Ruaro and staff for their diligent efforts, commitment, and dedication to doing what is right for all Alaskans. He applauded Mr. Ruaro, and believes that history will show this as a definitive moment that AIDEA has fought against federal overreach.

Mr. Eledge complimented Mr. Ruaro and staff on their great job, and stated that he is proud to be

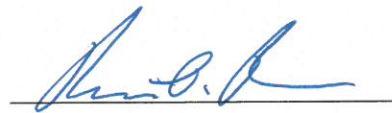
associated with the AIDEA Board and staff.

Chair Pruhs requested Board members to review the previous comments and communications received by AIDEA, and the new comments and communications received by AIDEA that primarily reference the ANWR resolutions. Additionally, Chair Pruhs asked Board members to review the summary of the financial statements provided, and to submit any questions to Mr. Ruaro. Chair Pruhs requested that next month's agenda include a resolution or guidance to Geoff Johns, AIDEA, and staff regarding AIDEA's investment policy. Mr. Ruaro agreed.

Chair Pruhs expressed appreciation to Ms. Hamann, Mr. Ruaro, and staff for their efforts.

## 7. **ADJOURNMENT**

There being no further business of the Board, the AIDEA meeting adjourned at 12:55 pm.

A handwritten signature in blue ink, appearing to read "Randy Ruaro", is written over a horizontal line.

Randy Ruaro, AIDEA Executive Director

Secretary