



RESOLUTION 21-16

**A RESOLUTION OF THE ALEUTIANS EAST BOROUGH ASSEMBLY
AUTHORIZING THE MAYOR TO NEGOTIATE AND EXECUTE AN AGREEMENT
WITH ROBERTSON MONAGLE AND EASTAUGH TO PROVIDE LEGAL
REPRESENTATION IN THE 9th CIRCUIT COURT OF APPEALS TO APPEAL THE
JUNE 1, 2020 ALASKA FEDERAL DISTRICT COURT DECISION BY JUDGE SEDGWICK
IN FRIENDS OF ALASKA NATIONAL WILDLIFE REFUGE, ET.AL V. KING COVE
CORPORATION. AL. IN AN AMOUNT NOT TO EXCEED \$107,750**

WHEREAS, on June 1, 2020, Alaska Federal District Court Judge Sedgwick invalidated the Land Exchange Agreement that had been executed between King Cove Corporation on June 28, 2019; and

WHEREAS, between August 14-17, 2020, the following parties that supported the Land Exchange filed a timely appeal: 1) King Cove Corporation, Augdaaguux Tribe, and Native Village of Belkofski; 2) State of Alaska; and 3) Secretary of Interior David Bernhardt, the Department of Interior, and U.S. Fish and Wildlife Service; and

WHEREAS, on August 18, 2020 the 9th Circuit Clerk acknowledged the timely filing of the Notices of Appeal and set a preliminary Schedule; and

WHEREAS, Robertson Monagle and Eastaugh (RME) have submitted a proposal requesting authority and funding to provide legal representation in the 9th Circuit Court of Appeals to appeal the June 1, 2020 Alaska Federal District Court decision by Judge John Sedgwick in *Friends of Alaska National Wildlife Refuge, et.al v. King Cove Corporation. al.*; and

WHEREAS, the contractual compliance and funding relationship for the work will be between the Borough and RME and legal and technical tasks will represent the King Cove – Cold Bay Group; and

WHEREAS, the cost estimate for RME's legal services is \$107,750; and

WHEREAS, funds for this expense would be come from the Borough's King Cove Access Project State of Alaska Department of Commerce, Community and Economic Development Designated Legislative Grant, Borough account number E 20-867-168-850 Capital Construction.

NOW THEREFORE, BE IT RESOLVED, the Aleutians East Borough Assembly authorizes the Mayor to negotiate and execute an Agreement with Robertson Monagle and Eastaugh to provide legal representation in the 9th Circuit Court of Appeals to appeal the June 1,

2020 Alaska Federal District Court decision by Judge John Sedgwick in *Friends of Alaska National Wildlife Refuge, et.al v. King Cove Corporation. al.* in an amount not to exceed \$107,750.

PASSED AND ADOPTED by the Aleutians East Borough on this 10th day of September, 2020.



Alvin D. Osterback, Mayor

ATTEST:


Tina Anderson, Clerk