

RESOURCE DEVELOPMENT COUNCIL

Growing Alaska Through Responsible Resource Development

BREAKFAST MEETING

Thursday, May 15, 2008

- 1) Call to order – John Shively, President
- 2) Self Introductions
- 3) Headtable Introductions
- 4) Staff Report – Jason Brune, Executive Director
- 5) Program and Keynote Speaker:

Point Thomson: A Commitment to Develop
Craig Haymes
Alaska Production Manager, ExxonMobil

Next Meeting: Friday, May 23 luncheon, Hotel Captain Cook: AGIA
Determination on TransCanada Gasline Proposal, Commissioner Tom Irwin,
Department of Natural Resources, Commissioner Pat Galvin, Department of
Revenue, Marty Rutherford, Deputy Commissioner, Department of Natural
Resources. (Doors open 11:30 am)

Please add my name to RDC's mailing list

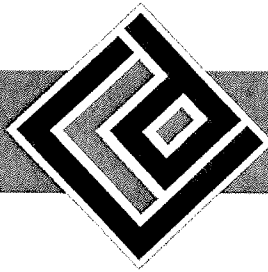
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RESOURCE DEVELOPMENT COUNCIL

Growing Alaska Through Responsible Resource Development

Founded 1975

Executive Director

Jason W. Brune

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May 13, 2008

Commissioner Tom Irwin
Alaska Department of Natural Resources
400 Willoughby Avenue, Suite 500
Juneau, AK 99801

Dear Commissioner Irwin:

The Resource Development Council is writing to express its disappointment in the recent decision rejecting ExxonMobil's Point Thomson Unit Plan of Development (POD) and to encourage the State to reach a timely resolution with lease owners to allow development to move forward without further delay.

The rejection of the POD has raised a high level of concern among our members over the negative impacts the decision would have on a successful gas pipeline project to the Lower 48. Whether the pipeline is advanced by TransCanada Corporation through the Alaska Gasline Inducement Act or by North Slope producers under the Denali project, Point Thomson contains an important component of gas volume to be moved by an Alaska gas pipeline.

In your recent decision, you noted a strong desire to avoid risks that would lead to continued delays in the development of Point Thomson resources. In our view, rejection of the POD, termination of the Point Thomson Unit, and the "take back" of leases would result in extensive litigation, delaying the project for years. Moreover, if the state ultimately prevailed in breaking up the unit and taking back the leases, it would take additional time to release the acreage and seek new lease owners. It would take more time for the new leaseholder(s) to do the extensive engineering and reservoir studies already conducted by the current lease owners to become familiar with the complexities of this unit.

At a minimum, rejection of the POD will keep ownership of the gas in doubt until the issue is resolved in court – years from now as litigation is likely to extend well into the next decade. Such uncertainty surrounding gas ownership could result in an unsuccessful open season for both the Denali and TransCanada projects, potentially causing both to fail. We strongly believe the public's interest is not served by going down the dangerous, lengthy and uncertain path of litigation. There is too much at risk.

We were hopeful the state would view the latest POD as the solution to its long-standing dispute with the lease owners over work obligations, especially considering the clear milestones to monitor progress and an agreement to terminate the unit if judicially-supervised benchmarks are not met. We believe these milestones will prove effective in keeping the project on track.

RDC believes the lease owners are fully committed to developing Point Thomson. Under the new POD, the lease owners have proposed a \$1.3 billion project to produce 10,000 barrels per day of liquid condensates beginning in 2014. The POD provides for commencement of engineering this year with a drilling program set to get underway by next winter. A drilling rig has already been secured, as well as long lead materials. The POD envisions a phased approach to overcome challenges and risks posed by the reservoir and provides expandability for gas cycling, oil production and major gas sales.

Settling this issue immediately and without delay serves the best interest of Alaska. While we respect the administration for its resolve to assure Point Thomson moves forward in a way that maximizes benefits to the state, RDC urges your office to reach a mutually acceptable accord with the lease owners that will avoid litigation and allow work to begin at Point Thomson this year. An accord that addresses the state's concerns with regard to future work commitments, removes the uncertainty surrounding ownership of the leases, and advances field development is highly preferable to RDC members over lengthy and costly litigation. Such an accord would be a "win-win" for both the state and lease owners and, at this stage, is critical to the success of any gas pipeline project.

The precedent this decision would set could easily reverberate not just through the oil and gas industry, but through the mining industry and other resource sectors as well, sending a negative message to current and future investors in our state. Resolution of this issue will build momentum for a successful natural gas pipeline project to the Lower 48. It will remove a cloud of uncertainty and help set the stage for a successful open season for the gas pipeline.

RDC very much appreciates your consideration of these comments and remains hopeful an acceptable agreement can be reached between the State and the lease owners.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason W. Brune", with a long horizontal flourish extending to the right.

Jason W. Brune
Executive Director

cc: Governor Sarah Palin
Members of the 25th Alaska Legislature

Alaska Money

ANNUAL GROWTH IN PER CAPITAL PERSONAL INCOME IN ALASKA, 2000 THROUGH 2006



Source: U.S. Bureau of Economic Analysis

Rejecting Point Thomson leases wrong move

I was disappointed with state Natural Resources Commissioner Tom Irwin's recent decision to turn down a \$1.3 billion project for Point Thomson development put forth by lease owners in the big North Slope gas and condensate field. We need to keep in mind, however, that this might be part of a broader strategy the state is pursuing.

But the decision still troubled me. I was in an upbeat mood after the announcement by BP and Conoco Phillips that they are moving forward with their Denali gas pipeline project. I believed all the gas pipeline politics were getting behind us. Then Irwin's decision came down, and I felt us sliding back into the bog.

Point Thomson gas is needed for any gas pipeline, whether the Denali project or a separate proposal being made by TransCanada Corp. If there are doubts as to the legal status of Point Thomson, no gas from that field can be committed to a pipeline until the court suits are resolved, which could be years.

The companies involved include Exxon Mobil, BP, Chevron and Conoco. What they propose is a gas recycling and liquid condensate production project that would be the first stage toward full-scale development of the field.

Here's some background: The state and the companies have been engaged in an intense dispute over work commitments at Point Thomson. In 2006 the state ordered the Point Thomson Unit terminated and in 2007 actions were initiated to cancel the leases.

A unit allows oil and gas leases to be grouped for efficiency and for the lease terms to be extended. Because the unit is, in essence, a new lease the state often changes the royalty terms when a unit is formed or enlarged, as has happened at Point Thomson.

In any event, the companies sued. Last December state Superior Court Judge Sharon Gleason halted the unit termination and or-



TIM BRADNER

ECONOMY

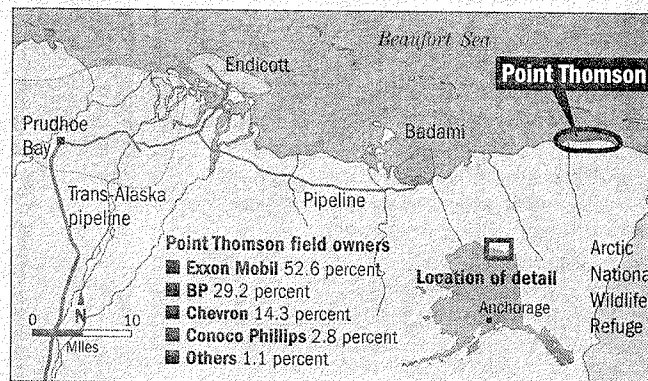
dered the parties to try for a resolution. The project proposed by the companies is an attempted remedy.

I've always had a lot of respect for Tom Irwin, particularly for his actions in holding the state to a steady course through the turbulent waters of the Pebble prospect controversy. The commissioner, who knows his stuff about mining, insists on allowing the mine developers to design their project and to follow the proper procedures in applying for state and federal permits.

His Point Thomson decision disturbed me, though. What bothered me is that the decision was subjective — the commissioner said he doesn't "trust" the companies. I don't think this is the way a major state policy decision should be made.

Despite his rejection, Irwin acknowledged the project proposed by the companies is a good one and even appropriate given the technical complexities of Point Thomson.

The underlying logic in rejecting the project is that Irwin doesn't trust the companies to keep their commitment to really do it because they have broken commitments made in previ-



Source: Alaska Division of Oil and Gas

RON ENGSTROM / Anchorage Daily News

ous years.

However, there are questions as to whether this is actually the case. Each year the companies negotiate annual work plans with the state, called Plans of Development. My understanding is that the vast majority of the work proposed in the plans was done.

Commissioner Irwin does cite several wells that were promised but not drilled. What isn't made clear in his decision is that the well commitments were made under separate agreements involving expansion of the unit. The expansion added leases to the unit to keep it from expiring.

Under these agreements, however, the companies always had the option to not drill the wells at the risk of the state shrinking the unit by taking back the leases that were added. There have been two expansions of Point Thomson, and in both cases acreage was taken back when the companies decided not to drill, as the agreements provided. In the most recent expansion there was also a \$20 million penalty provided that was paid when the wells were not drilled.

I can easily see that Irwin and several Division of Oil and Gas directors who had to wrestle with these issues have been extremely frustrated by the slow pace of work at Point Thomson, and I don't blame them. But I'm not convinced there were broken commitments, which is the underlying reason for the Irwin's rejection of the plan.

Aside from this, the real reason Point Thomson hasn't been developed is that the field contains mostly gas and there is no gas pipeline and no way to market the gas. The companies have worked on a project to produce liquid condensates that could flow down the trans-Alaska oil pipeline, but there were serious technical risks. Now, new technology and high

oil prices (the condensate would be mixed with oil when sold) mitigate most of these risks, the companies believe.

Aside from my concern over the way this decision was made, my main worry is that continuing lawsuits will cloud chances for gas to be committed to either TransCanada's pipeline or the pipeline planned by BP and Conoco. We can't afford any more delays to the gas pipeline.

However, let's give Irwin a break. This is a game still under way and Irwin's decision might be part of a broader strategy of wringing concessions out of the companies, perhaps in more performance measures and penalties.

If that is the case, my hat is off to Irwin once again. But if his intent is to really take the leases back, then we'd all better settle in for years of lawsuits where the only winners are the lawyers.

Tim Bradner writes for an Alaska economic reporting service. He also consults for private clients and writes for business publications. His opinion column appears every fourth Sunday.



NEWS

U.S. Department of the Interior

Office of the Secretary

Contact: Shane Wolfe

FOR IMMEDIATE RELEASE

(202) 208-6416

May 14, 2008

Secretary Kempthorne Announces Decision to Protect Polar Bears under Endangered Species Act

Rule will allow continuation of vital energy production in Alaska

WASHINGTON, D.C. – Secretary of the Interior Dirk Kempthorne today announced that he is accepting the recommendation of U.S. Fish and Wildlife Service Director Dale Hall to list the polar bear as a threatened species under the Endangered Species Act (ESA). The listing is based on the best available science, which shows that loss of sea ice threatens and will likely continue to threaten polar bear habitat. This loss of habitat puts polar bears at risk of becoming endangered in the foreseeable future, the standard established by the ESA for designating a threatened species.

In making the announcement, Kempthorne said, “I am also announcing that this listing decision will be accompanied by administrative guidance and a rule that defines the scope of impact my decision will have, in order to protect the polar bear while limiting the unintended harm to the society and economy of the United States.”

Kempthorne further stated, “While the legal standards under the ESA compel me to list the polar bear as threatened, I want to make clear that this listing will not stop global climate change or prevent any sea ice from melting. Any real solution requires action by all major economies for it to be effective. That is why I am taking administrative and regulatory action to make certain the ESA isn’t abused to make global warming policies.”

In January 2007, the Fish and Wildlife Service proposed listing the polar bear as threatened throughout its range based on receding sea ice. At that time, Secretary Kempthorne directed the Fish and Wildlife Service and the USGS to aggressively work with the public and the scientific community to broaden understanding of what is happening with the species. In September 2007, the USGS delivered to the Fish and Wildlife Service nine studies related to the future condition of the polar bear and its habitat.

Declines in Sea Ice Documented

Kempthorne illustrated the listing decision with charts depicting satellite images of the differences in sea ice from the fall of 1979 to the fall of 2007. (Studies and models at http://www.doi.gov/issues/polar_bears.html). Last year, Arctic sea ice fell to the lowest level ever recorded by satellite, 39 percent below the long-term average from 1979 to 2000. The amount of sea ice loss in years 2002-2007 exceeded all previous record lows.

In developing the nine studies it delivered to the Fish and Wildlife Service, the USGS relied upon 10 peer-reviewed climate models, all of which project a decline in Arctic sea ice in the future. In particular, the models project declines in September sea ice of more than 30 percent by the middle of the 21st century. Four of the 10 models project declines in September sea ice in excess of 80 percent by the mid -21st century. Seven of the 10 models show a 97 percent loss in September sea ice by the end of the 21st century.

Based on actual observations of trends in sea ice over the past three decades, these models may actually understate the extent and change rate of projected sea ice loss.

Under the ESA, five factors determine whether a species is to be listed. One of those factors is whether there is present or threatened destruction, modification, or curtailment of habitat.

According to the ESA, a species is listed as “threatened” when it is at risk of becoming “endangered” within the foreseeable future throughout all or a significant portion of its range. In contrast, a species is “endangered” when it is currently in danger of extinction throughout all or a significant portion of its range.

U.S. Fish and Wildlife Service Director H. Dale Hall recommended the listing decision. U.S. Geological Survey Director Mark Myers concurs with the scientific findings that support the decision.

The U.S. Fish and Wildlife Service drew upon biological information on the bear, careful consideration of whether the bear can adapt to new habitat conditions, over 30 years of actual sea ice observations, and dozens of studies and models on sea ice.

4(d) Rule and Marine Mammal Protection Act

In making the decision to list the polar bear as a threatened species, Kempthorne also announced he was using the authority provided in Section 4(d) of the ESA to develop a rule that states that if an activity is permissible under the stricter standards imposed by the marine Mammal Protection Act, it is also permissible under the Endangered Species Act with respect to the polar bear. This rule, effective immediately, will ensure the protection of the bear while allowing us to continue to develop our natural resources in the arctic region in an environmentally sound way.

The conservation measures provide that the production, interstate sale, and export of native handicrafts by Alaska natives may continue and that the subsistence harvest of polar bears is not affected.

ESA Not Intended to Regulate Global Climate Change

In making the announcement today, Secretary Kempthorne reiterated President Bush's statement last month that the ESA was never intended to regulate global climate change. "Listing the polar bear as threatened can reduce avoidable losses of polar bears. But it should not open the door to use of the ESA to regulate greenhouse gas emissions from

automobiles, power plants, and other sources,” said Kempthorne. “That would be a wholly inappropriate use of the ESA law. The ESA is not the right tool to set U.S. climate policy.”

Last month President Bush said, “The Clean Air Act, the Endangered Species Act and the National Environmental Policy Act were never meant to regulate global climate change.” He said, “There is a right way and wrong way to approach reducing greenhouse gas emissions. The American people deserve an honest assessment of the costs, benefits and feasibility of any proposed solution. Discussions with such far-reaching impact should not be left to unelected regulators and judges but should be debated openly and made by the elected representatives of the people they affect.” Kempthorne said, “This Administration has taken real action to deal with the challenges of climate change.”

Our incentives for power production from wind and solar energy have helped to more than quadruple its use. The President explained we have worked with Congress to make available more than \$40 billion in loan guarantees to support investments that will avoid, reduce, or sequester greenhouse gas emissions or air pollutants. In remarks on April 16, the President said that the Administration and the private sector plan to dedicate nearly a billion dollars to clean coal research and development.

Memorandum of Understanding with Canada

Kemphorne acknowledged Canada has not listed polar bears as threatened even though they have two-thirds of the world's population of the species. "Last week, I went to Canada and explored this issue. The Canadian law is different from U.S. law with respect to endangered species, both in its criteria for listing and administrative process for making listing determinations."

While in Canada, Kemphorne signed a Memorandum of Understanding with his Canadian counterpart, John Baird, the minister of environment, for the conservation and management of polar bear populations shared by the U.S. and Canada.

Next Steps

To make sure the ESA is not misused to regulate global climate change, Kemphorne promised the following actions:

- The U.S. Fish and Wildlife Service is proposing a 4(d) rule that states that if an activity is permissible under the stricter standards of the Marine Mammal Protection Act, it is also permissible under the ESA with respect to the polar bear. This rule, effective immediately, will ensure the protection of the bear while allowing us to continue to develop our natural resources in the arctic region in an environmentally sound way.
- Director Hall will issue guidance to staff that the best scientific data available today cannot make a causal connection between harm to listed species or their habitats and greenhouse gas emissions from a specific facility, or resource development project or government action.

- The Department will issue a Solicitor's Opinion further clarifying these points.
- The Department will propose common sense modifications to the existing ESA regulatory language to prevent abuse of this listing to erect a back-door climate policy outside our normal system of political accountability.

Additionally, the Department will continue to:

- monitor polar bear populations and trends,
- study polar bear feeding ecology,
- work cooperatively with the Alaska Nanuuq Commission and the North Slope Borough for co-management of the polar bears in Alaska,
- provide technical assistance to the participants of the 1988 North Slope Borough Inuvialuit Game Council Agreement for the conservation of polar bears in the Southern Beaufort Sea region and monitor the effects of oil and gas operations in the Beaufort Sea region.

The proposed ESA special 4(d) rule is available at

http://www.doi.gov/issues/polar_bears.html for a 60 day public comment period.

-- www.doi.gov --

33rd Annual Meeting

Wednesday, June 4, 2008, Sheraton Anchorage Hotel • Noon (Doors open 11:15 a.m.)

ENERGY KEEPERS



Energy Killers

Featuring:
Roy Innis, Chairman
Congress of Racial Equality

“Energy is the ‘master resource.’ Everything else depends on it. With abundant, reliable, affordable energy, anything is possible, and Americans make dreams come true. Without it, nothing happens.”

– Roy Innis

Keynote speaker Roy Innis is an icon of the American civil rights movement. He currently serves as Chairman of the Congress of Racial Equality (CORE), a group that has threatened to sue the Department of the Interior if the polar bear is listed under the Endangered Species Act because such a listing would drive up energy prices and hurt America’s working poor more than any other element of society.

His recent book, *Energy Keepers Energy Killers*, has sparked a nationwide energy debate. Innis warns of the far-reaching implications of the national campaign to block new oil, gas, and coal development. Those who want to stop development of fossil fuels, restrict the use of energy, impose higher taxes, and enact impossible carbon emission standards will send the economy into a tailspin, Innis says.

“Oil, gas, coal and other resources on America’s citizen-owned public lands could meet U.S. energy needs for centuries. Developing these resources, with full regard for ecological values, would generate jobs, economic growth and tax revenues, stabilize energy prices, and reduce our need to buy oil from unfriendly countries.” – Roy Innis



Sponsorship Opportunity

One of Alaska’s largest and most popular business gatherings of the year, the RDC Annual Meeting has sold out eight years in a row! Sponsorship of this event supports vital issue and advocacy work, expert testimony before federal and state agencies, educational programs and other activities.

Our members consider their involvement in RDC an investment in Alaska and their long-term interests. Our ability to work effectively on the issues is linked to the support we receive from our members. Sponsorship promotes your company to others in the business community and demonstrates your commitment to growing Alaska through responsible resource development.

RDC appreciates your consideration of the sponsorship options on the following page. Thank you!



33rd Annual Meeting

Wednesday, June 4, 2008 • Sheraton Anchorage Hotel • Noon (Doors open 11:15 a.m.)

Sponsorship Opportunities: Please respond by Friday, May 23rd to be listed in the program



DENALI \$5,000

Denali, "The Great One," reflects the highest level of commitment and tribute to RDC and its 33 years of helping grow Alaska through responsible resource development. Includes a table of ten, premium seating, most prominent recognition in the official program and placement of your corporate banner on the main wall adjacent to the head table.



GOLD \$1,500

Includes a table of 8 at the luncheon, prominent seating and recognition at the event and in the program.



SILVER \$1,000

Includes a table of 8 at the luncheon and recognition at the event and in the program.

YES! Count on my support for RDC's 33 years of work to grow Alaska through responsible resource development.

DENALI \$5,000

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Sponsorship publicly underscores your support of RDC's broad-based efforts to enhance Alaska's prosperity and economic future.

Contact: Carl Portman

Phone: 907-276-0700, ext. 2, Fax: 907-276-3887, email: cportman@akrdc.org



RESOURCE DEVELOPMENT COUNCIL

Growing Alaska Through Responsible Resource Development

2008 RDC Annual Meeting: *Energy Keepers - Energy Killers*

Wednesday, June 4, 2008
Sheraton Anchorage Hotel
Program begins at noon (Doors open at 11:15 am)

Luncheon Featuring:

Roy Innis, Chairman, Congress of Racial Equality
Author, *Energy Keepers - Energy Killers: The new civil rights battle*
[View Speaker Biography](#)

Sponsorship Packet

Individual reservations will be available May 21

Sponsors

(as of May 13, 2008)

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RESOURCE DEVELOPMENT COUNCIL
Growing Alaska Through Responsible Resource Development

RDC Action Alert:
Yukon Flats NWR Land Exchange

[View RDC's Comment Letter](#)

Comment Deadline Extended to May 19, 2008

Overview:

The U.S. Fish & Wildlife Service (USFWS) is considering a land exchange in the Yukon Flats National Wildlife Refuge with Doyon Limited, the largest private landowner in the refuge. Created in 1980, the refuge is comprised of 11 million acres, roughly the size of Maryland. Doyon owns 2 million acres within the refuge boundary. In 2004, USFWS and Doyon tentatively agreed to the terms of a land exchange. The Department of Interior initially determined that an Environmental Impact Statement (EIS) was not required. Doyon and others, however, requested an EIS, given it would offer residents in the Yukon Flats more details on the potential impacts of the trade and potential development in the area.

Under the proposed trade, Doyon would turn over 150,000 acres rich in fish and game resources, including prime waterfowl habitat in the wet low lands of the refuge. In exchange, Doyon would receive oil and gas rights to 200,000 prospective acres. However, Doyon would have surface rights to only 110,000 of those acres, most of which is in the uplands with lesser habitat values. The remaining acreage would be reached only by directional drilling. If Doyon discovers and produces oil and gas on the lands acquired through the exchange, the Service would receive a production payment equal to 1.25% of the value at the wellhead and a commitment from Doyon to sell up to 120,000 acres more land to the USFWS. In addition, Doyon would reallocate 56,000 acres of remaining entitlement within the refuge to locations outside the refuge.

Birch Creek is the closest community to the land trade area and the Birch Creek Tribal Council and its leadership support the trade. Doyon is supportive of both the Proposed Action Alternative and Alternative 1. Detailed information on the alternatives and the overall EIS can be found at:

http://yukonflatseis.ensr.com/yukon_flats/

Action Requested:

Testify in support of the land exchange at one of the following public meetings:

- Fairbanks: Thursday, February 21st, 5 p.m., Noel Wien Library, 1215 Cowles Street
- Anchorage: Tuesday, March 4th 5 p.m., Public Conference Room, Loussac Library, 3600 Denali Street

Submit written comments to:

Yukon Flats EIS Project Office
c/o ENSR
1835 South Bragaw, Suite 490
Anchorage, AK 99508

Submit on-line comments at http://yukonflatseis.ensr.com/Yukon_Flats/Comments.aspx

To save time, consider submitting the draft letter below, with edits of your own choosing. For those who wish to compile their own comments, please refer to the bullet points following the comment letter.

[View the Suggested Comment Letter](#)

Points to consider for your comments:

- The proposed land exchange is in the public's best interest as it would allow the USFWS to achieve its conservation goals and consolidate land ownership.
- The exchange would allow the agency to acquire many of the highest-priority fish and wildlife habitats on Doyon lands.
- The land exchange would allow Doyon to consolidate its holdings within the refuge so it can improve the economics of drilling for oil and gas. The entire flats show favorable signs of oil and gas, but the highest petroleum potential lies under land proposed for exchange.
- The Yukon Flats could hold significant quantities of natural gas and oil. The U.S. Geological Survey offers a mean estimate of 5.5 trillion cubic feet of recoverable natural gas and 173 million barrels of recoverable oil. A recent private-sector assessment estimates the area could hold 300 million to almost 1 billion barrels of oil and 15 trillion cubic feet of natural gas. The area is potentially another energy province on the scale of Cook Inlet and could hold two Alpine-size oil fields.
- If oil and gas are discovered, many public benefits would be generated, including billions of dollars pumped into Alaska's economy. State revenues would grow and new energy supplies would flow into the American market.
- The land exchange and subsequent discovery of energy resources would allow for the creation of a long-term economic base in an economically-disadvantaged part of rural Alaska. Development would create 1,000 or more good paying jobs. It would help fulfill ANCSA's promise to enhance social and economic well-being of Native people, creating jobs and other opportunities for Doyon shareholders.
- Other benefits include village and regional Native corporation revenue sharing under ANCSA, which means more revenue statewide for these entities.
- The land exchange does not include the biological heart of the refuge.
- If all of the areas under the exchange turned into development opportunities, less than one percent of the Yukon Flats would be disturbed.
- Doyon will proceed with development opportunities, with or without the land exchange. If there is no exchange, there is increased potential for development in high value habitat areas of the refuge. With the trade, there is more land for Doyon to explore, land considered low in habitat value with little subsistence use.

Comment Deadline Extended to May 19, 2008

Resource Development Council for Alaska, Inc.
121 West Fireweed, Suite 250 Anchorage, AK 99503
resources@akrdc.org Phone: 907.276.0700 Fax: 907.276.3887

type and range of internal tribal processes that must be developed, appeal processes, and periodic review parameters.

Dated: April 2, 2008.

Carl J. Artman,

Assistant Secretary—Indian Affairs.

[FR Doc. E8-7305 Filed 4-7-08; 8:45 am]

BILLING CODE 4310-4M-P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf (OCS), Alaska OCS Region, North Aleutian Basin, Proposed Oil and Gas Lease Sale 214

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Call for Information and Nominations (Call) and Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS).

SUMMARY: This Call for Information and Nominations (hereinafter referred to as "Call") and the NOI are the initial information-gathering steps in a process that incorporates planning and analysis for proposed OCS Oil and Gas Lease Sale 214 in the program area of the North Aleutian Basin Planning Area offshore the State of Alaska. The program area is that subarea of the larger North Aleutian Basin Planning Area identified in the OCS Oil and Gas Leasing Program, 2007 to 2012, that may be offered in the proposed Sale 214. Readers are cautioned that this announcement is not a commitment to hold a lease sale but rather a continuation of the information-gathering and evaluation process.

Simultaneously with this Call, the MMS is giving notice of its intent to prepare an EIS for Sale 214 in the North Aleutian Basin, tentatively scheduled for 2011. The EIS analysis will focus on the potential environmental effects of oil and gas exploration, development, and production in the proposed sale area and its vicinity. This NOI also serves to announce the initiation of the scoping process for this EIS. The MMS will consider comments received in response to this NOI and Call in determining the proposed sale area and the scope of the EIS. The Department of the Interior (DOI) is also inviting other Federal, State, Tribal, and local governments to consider becoming cooperating agencies in the preparation of the EIS.

DATES: Nominations and Comments on the Call must be received no later than July 7, 2008. Submittals should be labeled "Nominations for Proposed Sale

214" or "Comments on Call for Information and Nominations for Proposed Sale 214," as appropriate. Comments on the NOI also must be received no later than July 7, 2008. Submittals should be labeled "Comments on the Notice of Intent for Proposed Sale 214."

FOR FURTHER INFORMATION CONTACT:

Please contact Dr. Cleve Cowles, Regional Supervisor, Office of Leasing and Environment, Minerals Management Service, Alaska OCS Region, 3801 Centerpoint Drive #500, Anchorage, Alaska 99503-5820, phone at (907) 334-5233 regarding questions on the Call or NOI.

Supplementary Information On the Call

The final EIS will serve as the National Environmental Policy Act (NEPA) analysis for North Aleutian Basin Sale 214. The MMS will prepare additional Coastal Zone Management Act (CZMA) Consistency Determination (CD), CZMA, and Outer Continental Shelf Lands Act (OCSLA) documents, as appropriate.

Call for Information and Nominations

1. Authority: This Call is published pursuant to the OCSLA as amended (43 U.S.C. 1331-1356, (1994)) and the regulations issued thereunder (30 CFR 256); and in accordance with the OCS Oil and Gas Leasing Program, 2007-2012.

2. Purpose of Call: The purpose of the Call is to gather nominations and information for proposed OCS Lease Sale 214, tentatively scheduled in 2011 in the "program area" of the North Aleutian Basin Planning Area.

Information and nominations on oil and gas leasing, exploration, and development and production within the program area of the North Aleutian Basin are sought from all interested parties. This early planning and consultation step is important for ensuring that all interests and concerns are communicated to the DOI for its consideration in future decisions in the leasing process pursuant to the OCSLA and regulations at 30 CFR 256. This Call/NOI is being issued in accordance with the OCS Oil and Gas Leasing Program, 2007-2012.

This Call is to gather information and does not indicate a preliminary decision to lease in the areas described below. Final decision and delineation of each area for possible leasing will be made at a later date and only if there is compliance with applicable laws including all requirements of the OCSLA and NEPA using established departmental procedures.

3. Description of Area: The area that is the subject of this Call is located offshore the State of Alaska in the North Aleutian Basin Planning Area. The "program area" is that subarea of the larger planning area identified in OCS Oil and Gas Leasing Program, 2007-2012. The "program area" extends offshore from about 10 statute miles to approximately 120 statute miles, in water depths from approximately 40 feet (12 meters) to 120 feet (37 meters). This area consists of approximately 990 whole and partial blocks of about 2.3 million hectares (5.6 million acres). A page size map of the program area accompanies this Call. Official Protraction Diagrams (OPDs) are available at no charge at the website: <http://www.mms.gov/ld/alaska.htm>.

4. Instructions On Call: Nominations and information must be received no later than 90 days following publication of this Call in the **Federal Register**. Submittals should indicate "Nominations for Proposed Sale 214" or "Comments on Call for Information and Nominations for Proposed Sale 214" as appropriate. Comments on the NOI also must be received no later than July 7, 2008. Submittals should be labeled "Comments on the Notice of Intent for Proposed Sale 214."

Nominations and comments may be submitted by any one of the following methods:

- Mail or hand-deliver comments to the Regional Supervisor, Office of Leasing and Environment, Alaska OCS Region, Minerals Management Service, 3801 Centerpoint Drive, Suite 500, Anchorage, Alaska 99503-5823.
- Submit comments by Internet through MMS Public Connect at this website: <https://ocsconnect.mms.gov/pcs-public/>.
- Fax comments to the Regional Supervisor, Office of Leasing and Environment, Alaska OCS Region, Minerals Management Service at (907) 334-5242.
- E-mail comments to Sale214Call@mms.gov.

Please submit e-mail or Internet comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include your name and return address in your e-mail or Internet message. If you do not receive a confirmation from the system that we have received your e-mail or Internet message, contact us directly at 1-800-764-2627.

The Call for Information Map delineates the Call area identified by MMS as having potential for the discovery of accumulations of oil and gas. Respondents are requested to indicate nominations and comments on

any or all of the Federal acreage within the boundaries of the Call area that they wish in proposed North Aleutian Basin Sale 214. Although individual nominations are considered privileged and proprietary information, the names of persons or entities indicating interest or submitting comments will be of public record.

Nominations must be submitted using the large-scale Call for Information Map by outlining the areas of interest along block lines. Respondents should rank areas in which they have nominated according to priority of interest; for example, priority 1 (high), or 2 (medium). Blocks nominated that do not indicate priorities will be considered priority 3 (low). Respondents must be specific in indicating blocks by priority, and be prepared to discuss their range of interest and activity regarding the nominated area(s). The telephone number and name of a person to contact in the nominator's organization for additional information should be included in the response. The Alaska OCS Regional Office will contact this person to set up a mutually agreeable time and place for a meeting to more fully review the company's nominations. Respondents may also submit a detailed list of blocks nominated by Official Protraction Diagram and Leasing Map designations to ensure correct interpretation of their nominations.

Comments are sought from all interested parties about particular geological (including natural hazard areas), environmental, biological, archaeological, and socioeconomic conditions or potential conflicts, or other information that might bear upon the potential leasing, exploration, and development of the program area and vicinity. Comments are also sought on possible conflicts between future OCS oil and gas activities that may result from the proposed sales and the standards of the Alaska Coastal Management Program (ACMP), and the enforceable policies of an approved local district coastal management plan. These comments should identify specific Coastal Management Program (CMP) policies of concern, the nature of the conflict foreseen, and steps that MMS could take to avoid or mitigate the potential conflict. Comments may be in terms of broad areas or restricted to particular blocks or areas of concern. Those submitting comments are requested to list block numbers or outline the subject area on the standard Call for Information Map.

Our practice is to make comments, including names and addresses of respondents, available for public review

during regular business hours. Individual respondents may request that we withhold their address from the rulemaking record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity, as allowable by law. If you wish us to withhold your name or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

5. Use Of Call Information:

Information submitted in response to this Call will be used for several purposes. Responses will be used to:

- Identify the proposed sale area;
- Help identify areas of potential oil and gas development;
- Identify potential environmental effects and potential use conflicts;
- Assist in the scoping process for the EIS;
- Develop possible alternatives to the proposed action;
- Develop lease terms and conditions/mitigating measures; and
- Identify potential conflicts between oil and gas activities and the ACMP.

6. *Tentative Schedule:* The following is a list of tentative milestone dates that apply to Sale 214 covered by this Call:

- Call/NOI published—April 2008.
- Comments due on Call/NOI—June 2008.
- Area Identification—September 2008.
- Draft EIS available—January 2010.
- Public Hearings—February/March 2010.
- Final EIS available—January 2011.
- Consistency Determination/Proposed Notice of Sale issued—January 2011.
- Governor's Comments due—March 2011.
- Final Notice of Sale published—October 2011.
- Sale held—November 2011.

Supplemental Information on the Notice of Intent To Prepare an EIS

1. *Authority:* The NOI is published pursuant to the regulations (40 CFR 1501.7) implementing the provisions of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.* (1988)) (NEPA).

2. *Purpose of Notice of Intent:* Pursuant to the regulations (40 CFR 1501.7) implementing the procedural provisions of NEPA, the MMS is announcing its intent to prepare an EIS for oil and gas lease Sale 214 tentatively

scheduled for 2011 in the "program area" of North Aleutian Basin, offshore the State of Alaska. The proposed action is to offer for lease all of the blocks in the program area. The EIS analysis will focus on the potential environmental effects of oil and gas exploration, development, and production on the fish, wildlife, socioeconomic, and subsistence resources in the North Aleutian Basin "program area" and neighboring communities. This NOI also serves to announce the initiation of the scoping process for this EIS. Throughout the scoping process, Federal, State, Tribal, and local governments and other interested parties aid MMS in determining the significant issues, reasonable alternatives, and potential mitigating measures to be analyzed in the EIS and the possible need for additional information. Alternatives may include, at a minimum, the proposed action, taking no action, or implementing appropriate restrictions on oil and gas activities. These and any additional alternatives developed through scoping and the analytical process will be considered in the decisionmaking process.

3. *Instructions on the Notice of Intent:* Federal, State, Tribal, and local governments and other interested parties are requested to provide comments related to the scope of the EIS, including significant issues that should be addressed, reasonable alternatives, potential mitigation measures, and relevant information that should be considered. You may mail comments to the Minerals Management Service, Alaska OCS Region, 3801 Centerpoint Drive, Suite 500, Anchorage, Alaska 99503-5823. Comments should be enclosed in an envelope labeled "Attn: Sale 214 NOI." You may also submit comments via e-mail to sale214NOI@mms.gov. Please include "Attn: NAB Lease Sale 214 NOI" in the subject line, and your name and return address in the message. If you do not receive a confirmation from the system that we have received your e-mail message, please contact us at (907) 334-5207. Lastly, you may hand-deliver comments to the address above. Comments are due no later than July 7, 2008.

Our practice is to make comments, including names and addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their address from the public record, which we will honor to the extent allowable by law. There may also be circumstances in which we would withhold a respondent's identity, as allowable by law. If you wish us to

withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety. Scoping meetings (to be announced at a later date) will be held in appropriate locations to obtain additional comments and information regarding the scope of the EIS.

A Notice of Availability of the draft EIS for public review and comment will be announced in the **Federal Register** by the MMS and the Environmental Protection Agency; on the MMS, Alaska OCS Region, homepage; and, in the local media. Public hearings will be held in the local area following release of the draft EIS. Dates and locations are to be determined.

4. *Cooperating Agencies:* The DOI policy is to invite other Federal agencies, and State, Tribal, and local governments to consider becoming cooperating agencies in the preparation of an EIS. Per Council of Environmental Quality (CEQ) regulations, qualified agencies and governments are those with "jurisdiction by law or special expertise." Potential cooperating agencies should consider their authority and capacity to assume the responsibilities of a cooperating agency. Cooperating agency status neither enlarges nor diminishes the final decisionmaking authority of any agency involved in the NEPA process. The MMS invites qualified government entities to inquire about cooperating agency status for this lease sale EIS. Upon request, the MMS will provide qualified cooperating agencies with a written summary of ground rules for cooperating agencies, including time schedules and critical action dates, milestones, responsibilities, scope and detail of cooperating agencies'

contributions, and handling of predecisional information.

The MMS anticipates this summary will form the basis for a Memorandum of Understanding between the MMS and each cooperating agency. You should also consider the CEQ's "Factors for Determining Cooperating Agency Status." This document is available on the CEQ Web site at: <http://ceq.eh.doe.gov/nepa/regs/cooperating/cooperatingagencyemofactors.html>.

Even if your organization is not a cooperating agency, you will continue to have opportunities to provide information and comments to MMS during the normal public input phases of the NEPA/EIS process.

5. *Background Information:* The geologic basin is about 17,500 square miles in area and underlies the northern coastal plain of the Alaska Peninsula and the waters of Bristol Bay and is believed to be gas-prone. The "program area" is that subarea of the larger planning area identified in OCS Oil and Gas Leasing Program, 2007–2012. Water depths in the program area range from 40 to 120 feet (12 to 37 meters). The program area is approximately 10 statute miles from shore to more than 120 statute miles offshore. This area consists of approximately 990 whole and partial blocks of about 2.3 million hectares (5.6 million acres).

In 1985, the MMS prepared a final environmental impact statement for proposed NAB Sale 92 that assessed the potential impacts of oil and gas leasing activities in the NAB Planning Area (*Final Environmental Impact Statement, North Aleutian Basin Sale 92, OCS EIS/EA MMS 85-0052*, September 1985). On October 11, 1988, Sale 92 occurred and resulted in the issuance of 23 leases.

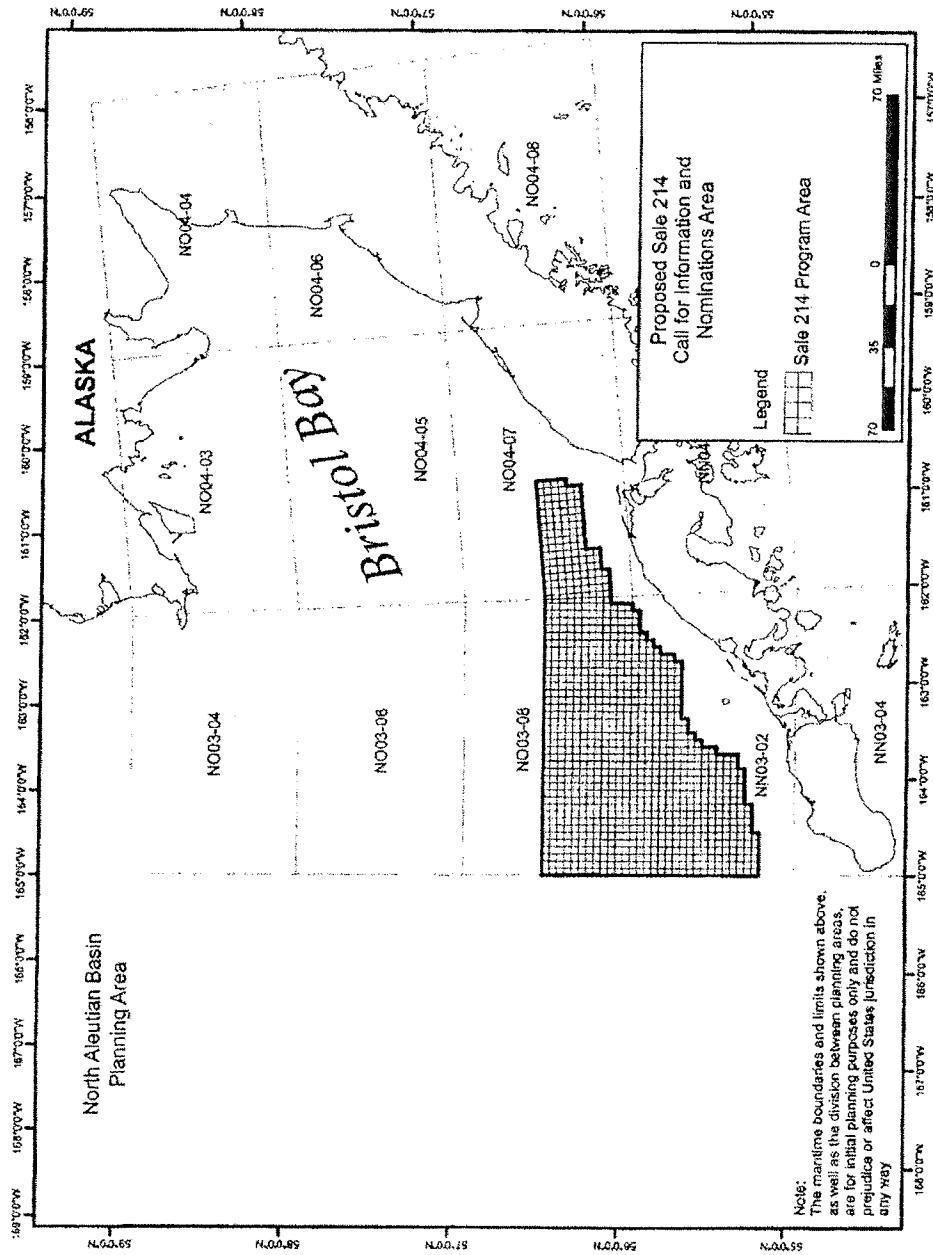
In October 1989, the North Aleutian Basin Planning Area was placed under a congressional moratorium which banned DOI expenditures in support of any petroleum leasing or development activities in the planning area. In 1995, the Federal Government bought back the 23 leases that were acquired in the 1988 sale. In 1998, an Executive Order

extended the moratorium as a Presidential withdrawal until 2012. In 2004, the congressional moratorium on petroleum-related activities in the NAB was discontinued and in 2007, the Presidential withdrawal was modified to exclude the North Aleutian Basin.

In anticipation of potential leasing-related analysis for the North Aleutian Basin, the MMS Environmental Studies Program convened, in the fall of 2006, a Research Planning Meeting to review the status of environmental information in the NAB and to initiate planning for future study efforts. The MMS also contracted scientific staff at Argonne National Laboratory to conduct a literature search of relevant scientific publications over the last ten years (1996 to 2006), leading to the production of a literature synthesis report. Over 600 recent reports or studies were identified to supply information relevant to the EIS. In 2007, the MMS and the National Marine Fisheries Service began collaboration on a study of the North Pacific right whale, a federally designated endangered species, in the NAB. The MMS also contracted to modify an ice-ocean circulation model for Alaska's Bristol Bay. Proposed studies for fiscal year 2008 include research on subsistence food harvest and sharing activities, studies of juvenile and maturing salmon, and nearshore mapping of juvenile salmon and settling crab. Additional studies are proposed for fiscal year 2009. Information on the Environmental Studies Program, completed studies, and a status report for continuing studies in the NAB area may be found at this Web site: <http://www.mms.gov/alaska> or obtained by telephone request at 1-800-764-2627, or by written request at the address noted above.

Additional pertinent information may also be found at the following Web sites: <http://www.mms.gov/alaska/re/index.htm> and <http://www.mms.gov/alaska/fo/INDEX.HTM>.

BILLING CODE 4310-MR-P



Dated: March 21, 2008.

Jon Hrobsky,
*Acting Director, Minerals Management
Service.*

[FR Doc. E8-7091 Filed 4-7-08; 8:45 am]

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