

# STATE OF ALASKA

## DEPARTMENT OF LAW

### OFFICE OF THE ATTORNEY GENERAL

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April 5, 2013

VIA U.S. MAIL and ELECTRONIC MAIL

Mr. Rick Steiner, Professor  
Oasis Earth  
PMB 666  
9138 Arlon Street, Suite A3  
Anchorage, AK 99507  
richard.g.steiner@gmail.com

*Re: Request for information relating to public funds expended on polar bear listing litigation filed August 2008*

Mr. Steiner:

On March 6, 2013, we received a public records request made pursuant to the Alaska Public Records Act (the "Act"), AS §§ 40.25.100, *et seq.* You requested a copy of "any/all documents discussing the amount of public funds expended in pursuing the state's suit against the federal listing of polar bear under the Endangered Species Act, filed in August 2008."

As an alternative to your records request, on March 15, 2013 you agreed that the Department of Law could provide you the amount of fees and costs paid by the state to outside counsel related to the "state's suit against the federal listing of the polar bear" along with the salary and benefit costs for the assistant attorneys general and paralegals who entered more than nominal time working on this matter. I had estimated we could provide you with that dollar amount within ten working days from the date you accepted this alternative in lieu of pursuing your records request. Unfortunately, it took a few days longer than anticipated. The amounts are as follows:

1. The amount of fees and costs paid by the state over the past five years (May 2008-February 2013) to outside counsel equals \$1,206,913.21. Of this, costs totaled \$20,158.21. This includes the litigation at the trial court level (U.S. District Courts), before the Multi-District Litigation Panel, and in the Court of Appeals for the District of Columbia. The total amount is over inclusive. Although primarily covering the listing challenge, a minor

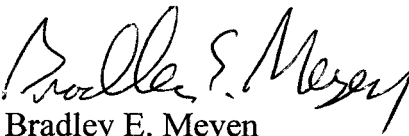
percentage of this amount is attributable to the special 4(d) rule litigation the state participated in as an intervening defendant and advice on other Endangered Species Act items.

2. The amount of fees and costs over the past five years (May 2008-February/March 2013) attributed to assistant attorneys general and Department of Law paralegals working on the polar bear listing challenge totaled approximately \$219,000. Of this, costs totaled approximately \$5,600. Although primarily covering the listing challenge, a minor percentage of this amount is attributable to the special 4(d) rule litigation and other items.

If you have any questions regarding this correspondence, please do not hesitate to contact me at 907-269-5232 or [brad.meyen@alaska.gov](mailto:brad.meyen@alaska.gov).

Sincerely,

MICHAEL C. GERAGHTY  
ATTORNEY GENERAL

By:   
Bradley E. Meyen  
Senior Assistant Attorney General

BEM/awb