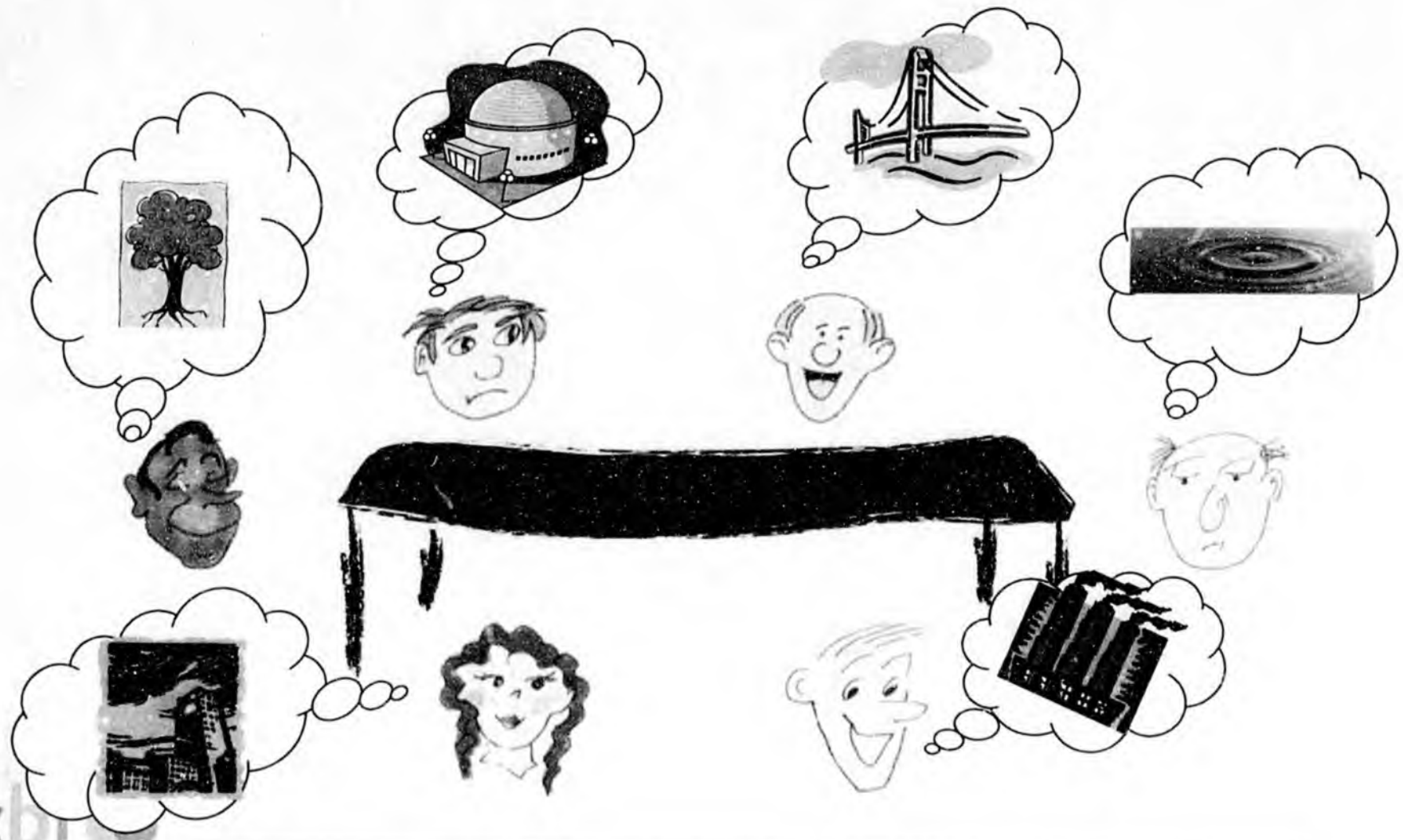


ALASKA LEGISLATURE COMMITTEE FILES 2007-2008 HRLS 12326

Consensus-Building Model

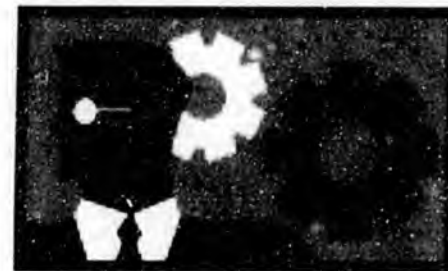


Consensus-Building Model



Strategy Paradigm

HOW to get from **HERE** to **THERE** in **TIME** with
the available **RESOURCES**



Civil Litigation

Standard Mediation Model

Parties ■■ → ***Litigants***

Issues ■■ → ***Pleadings***

Information ■■ → ***Discovery***

Procedure ■■ → ***Joint***
Separate

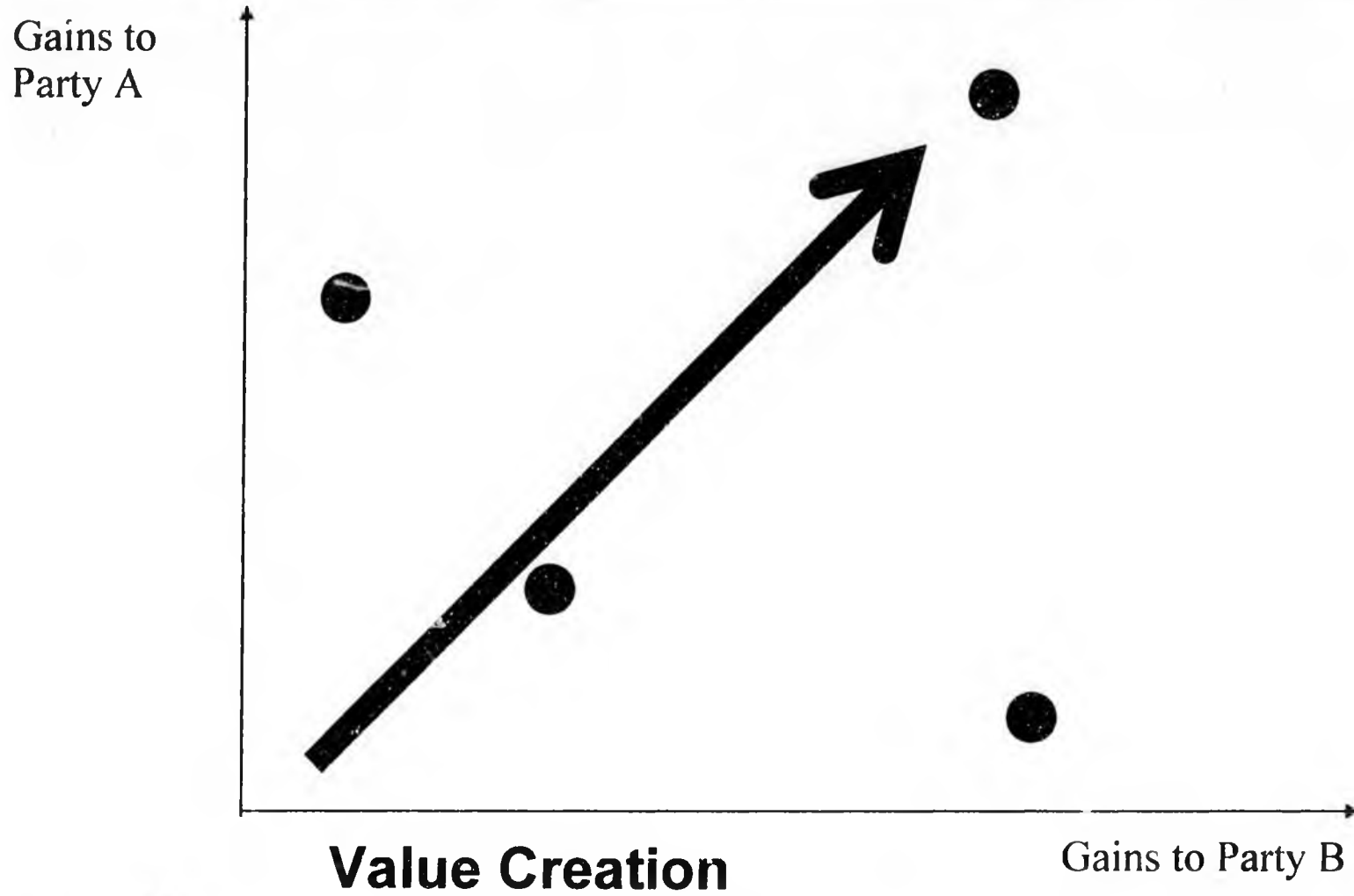
Mediation Variables

- **Mediation Paradigm**
 - **Consensus building**
 - **Problem solving**
- **Mediation Process**
 - **Parties**
 - **Issues**
 - **Information**
 - **Procedure**

Mediation Variables

- **Mediation Style**
 - Facilitative/elective
 - Evaluative/directive
 - Empathetic
 - Assertive
- **Persuasion**
- **Economic**
 - Interests and relative values
 - Joint gains
 - Differences orientation

Mediation Variables



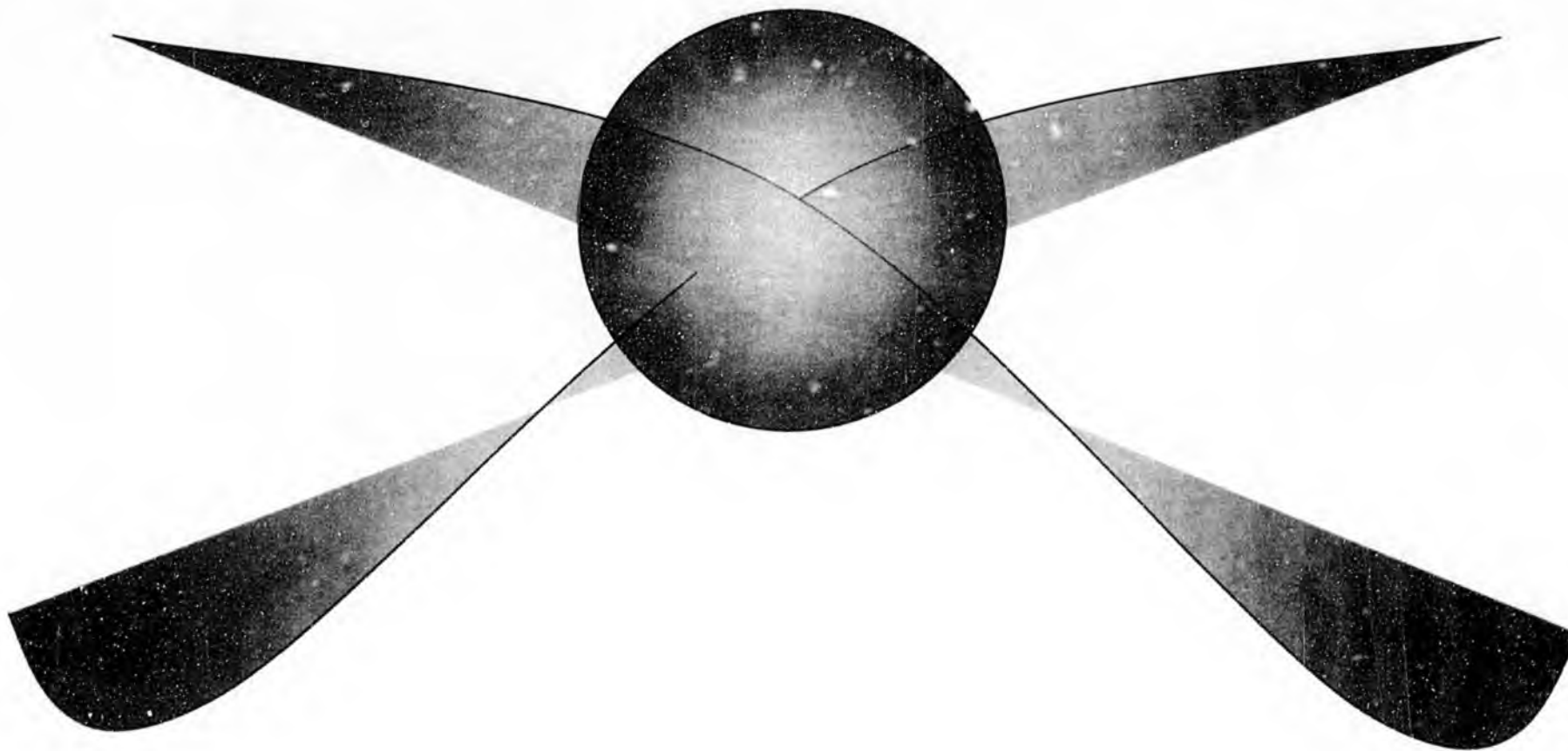
Mediation Variables

- **Psychological/Cultural**
 - Tendencies
 - Communication
- **Bargaining**
 - Strategic opportunistic
 - Deliberative
 - Narrative

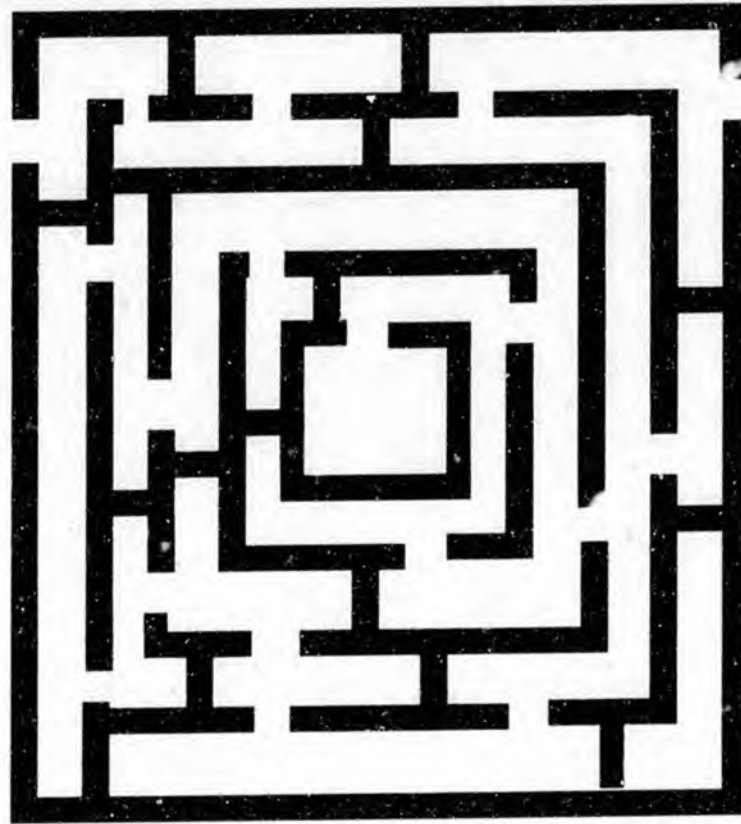
Mediation Variables

- **Institutional**
 - Incentives
- **Rhetorical**
 - Ethos
 - Pathos
 - Logos

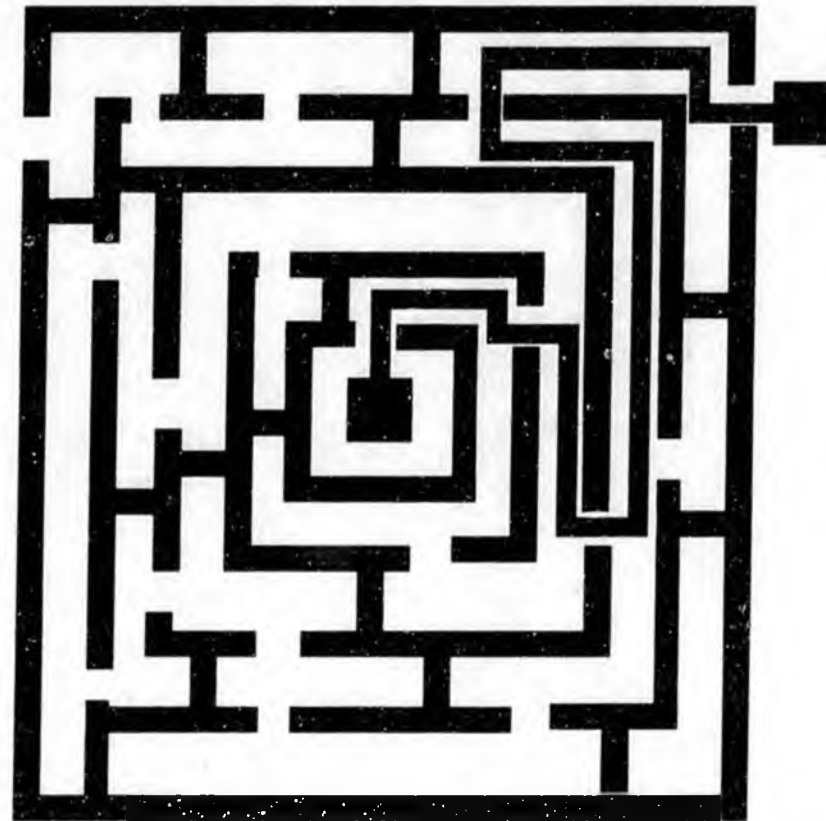
Zone of Agreement



Reverse Induction



Reverse Induction



Dialectic



THESIS

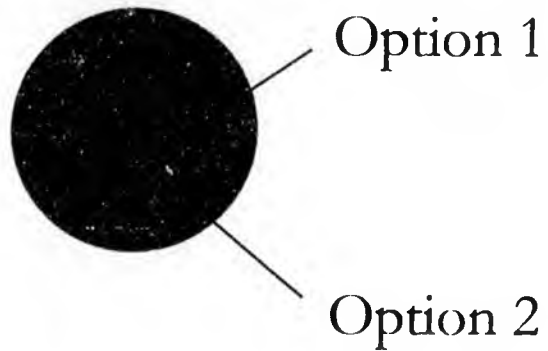
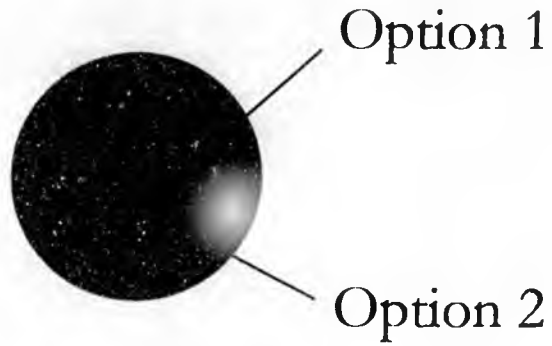


ANTITHESIS

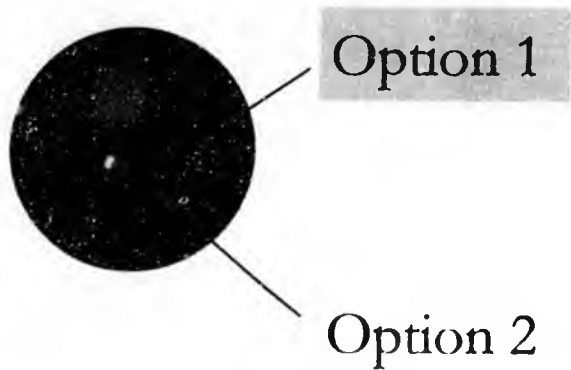
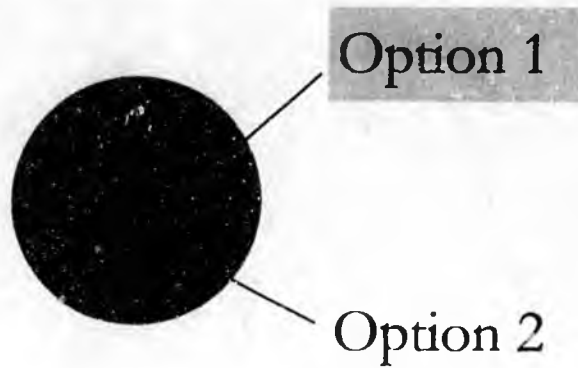


SYNTHESIS

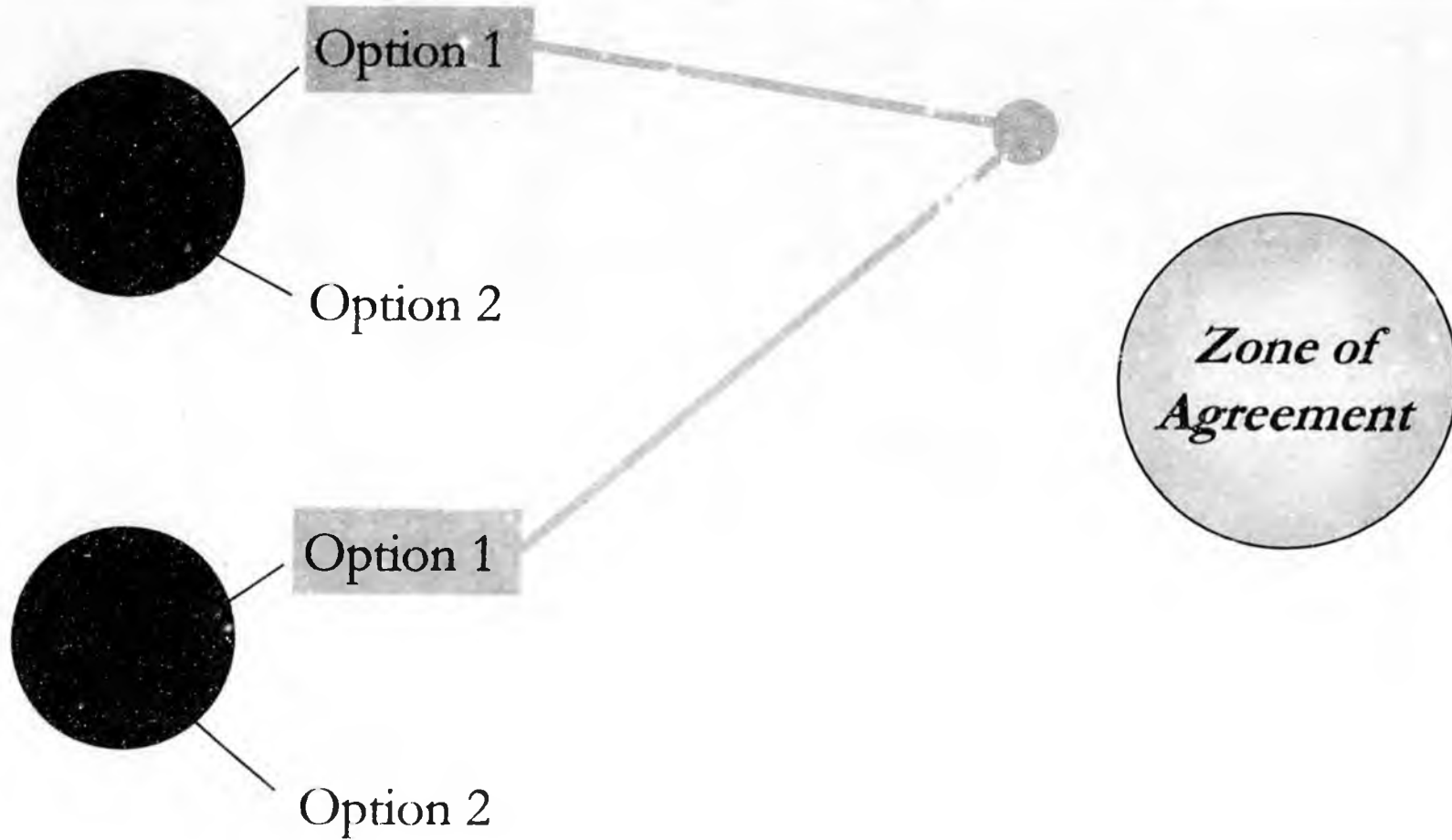
Mediation



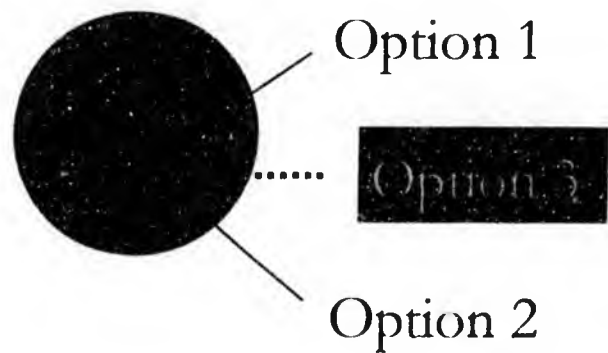
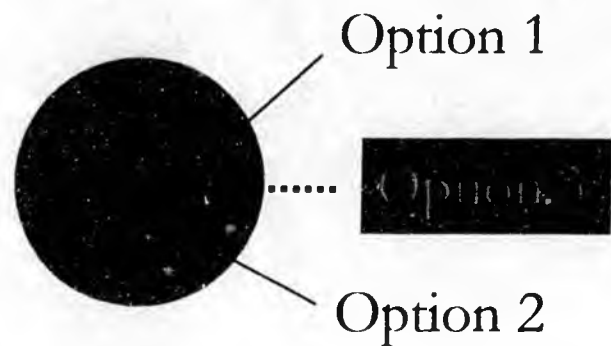
Mediation



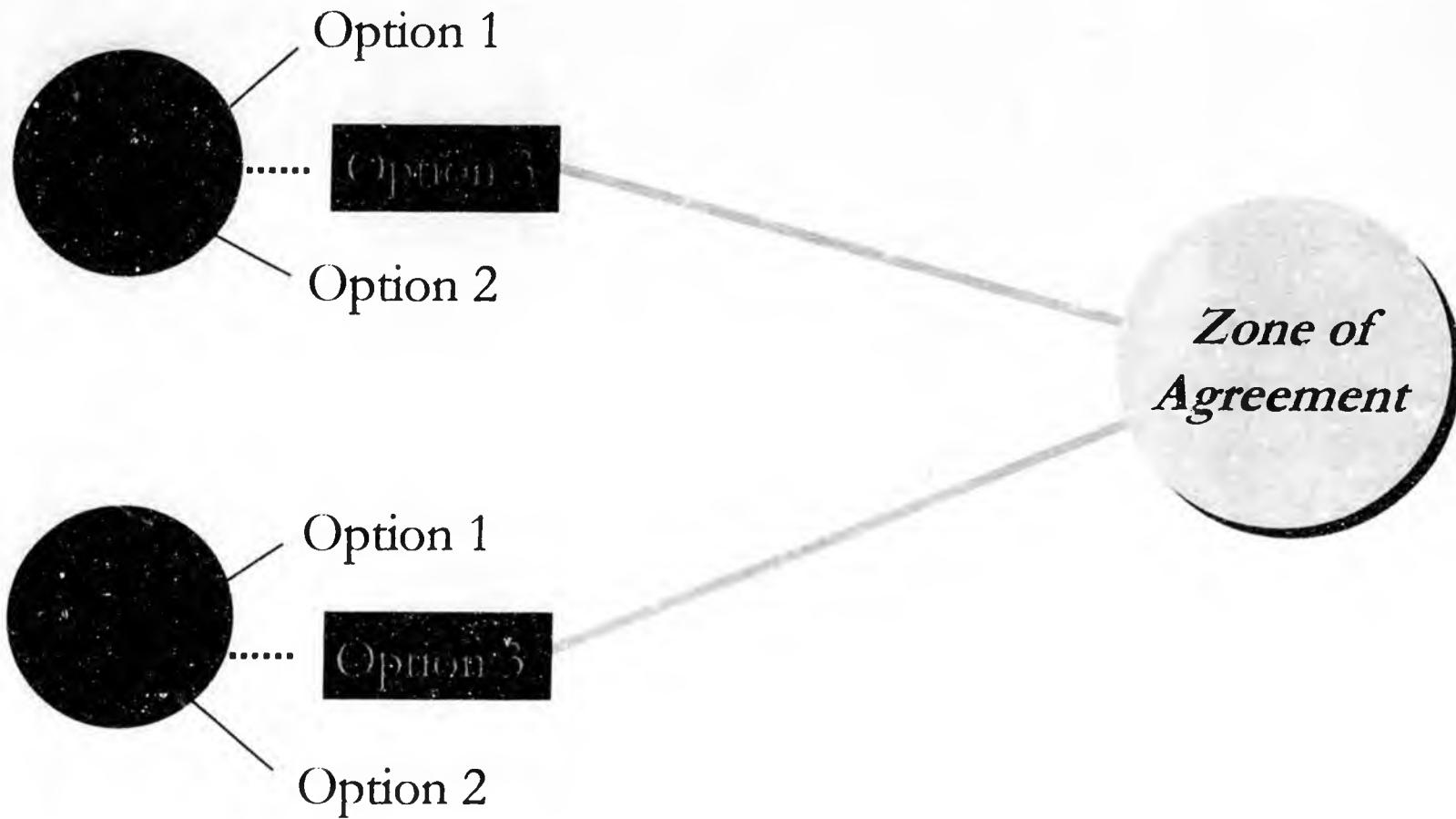
Mediation



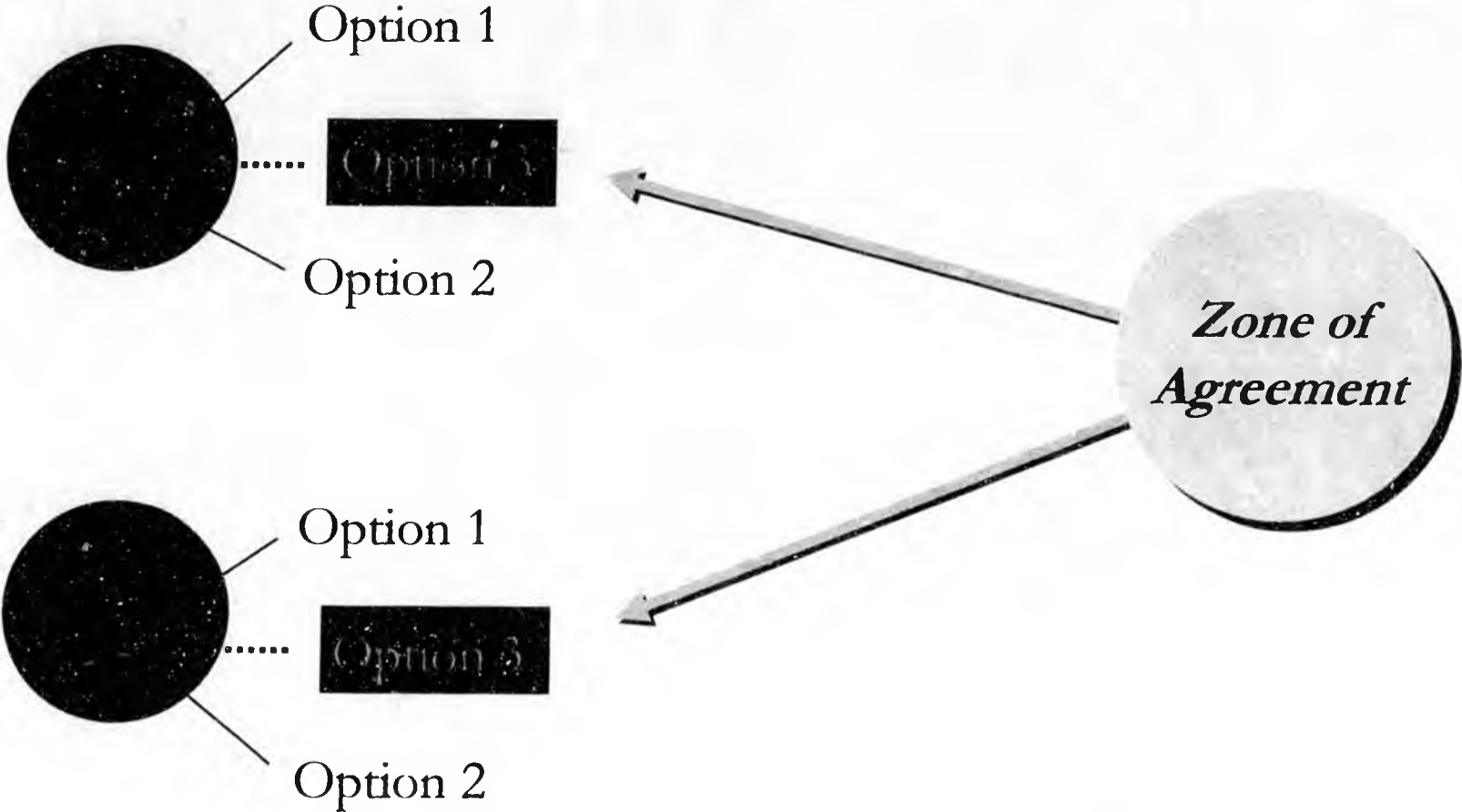
Mediation – Dialectic



Mediation – Dialectic



Mediation Strategy – Reverse Induction/Dialectic



Mediation Strategy

- Understand parties' strategies
- Determine any possible zones of agreement
- Develop possible zones of agreement
- Develop a path to a zone of agreement
- Utilize mediation variables
- Update path as developments occur

Decisions

Problem

Process

Enterprise Narrative



Consensus Building Institute

Defining the Problem



Consensus Building Institute

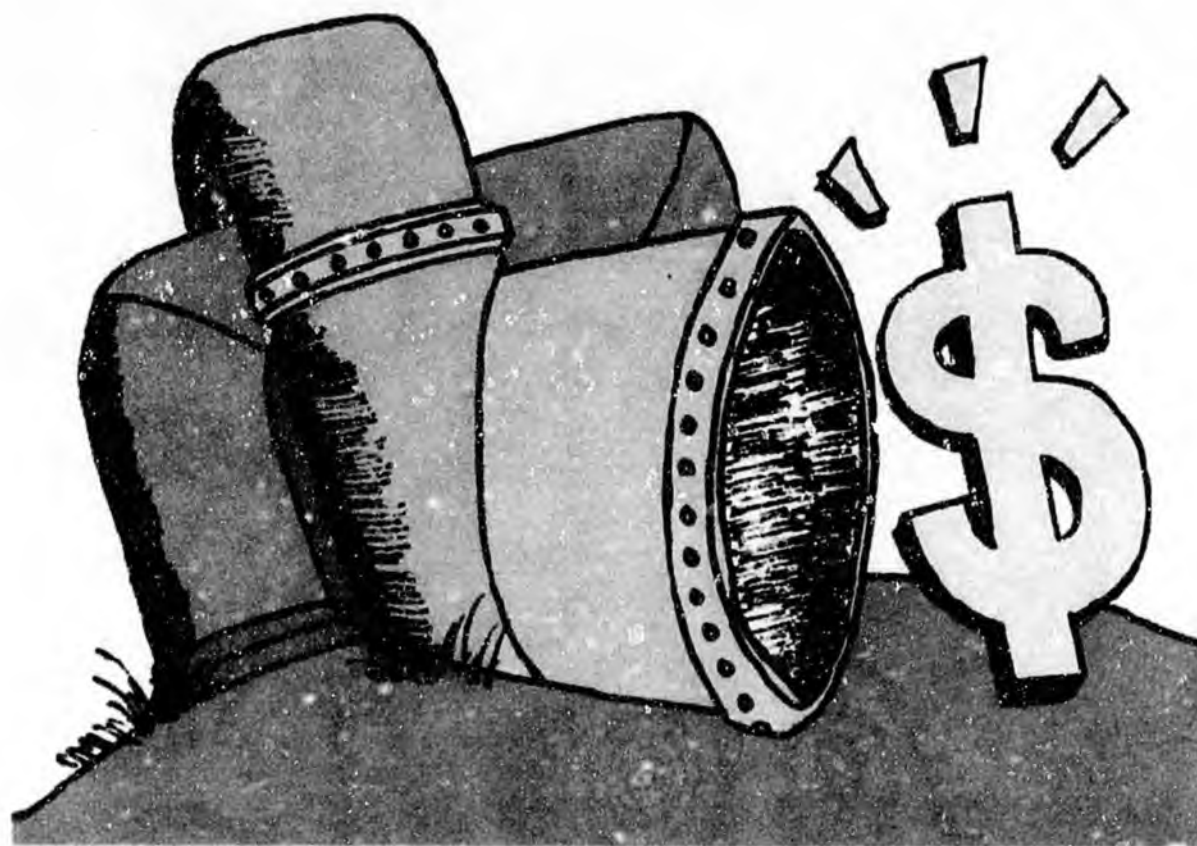
Defining the Problem

Statute



Defining the Problem

Ownership, Tariff, and Tax



Defining the Problem

Entire State



Defining the Process



Consensus Building Institute

Defining the Process

Negotiation



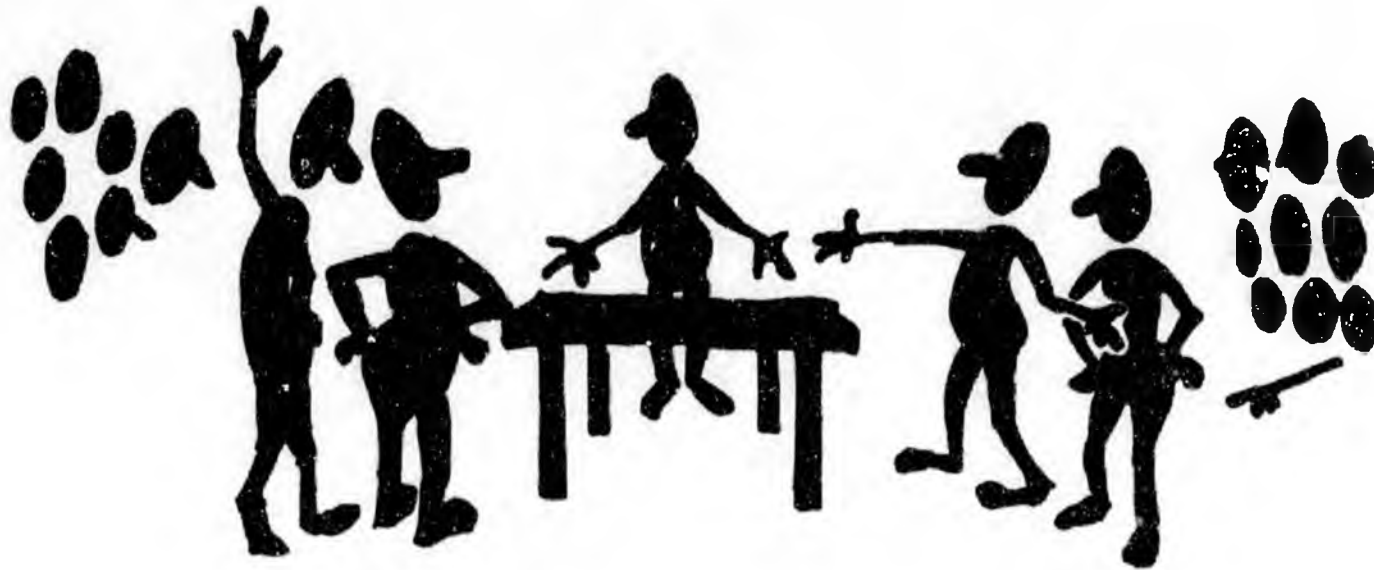
Defining the Process

Litigation

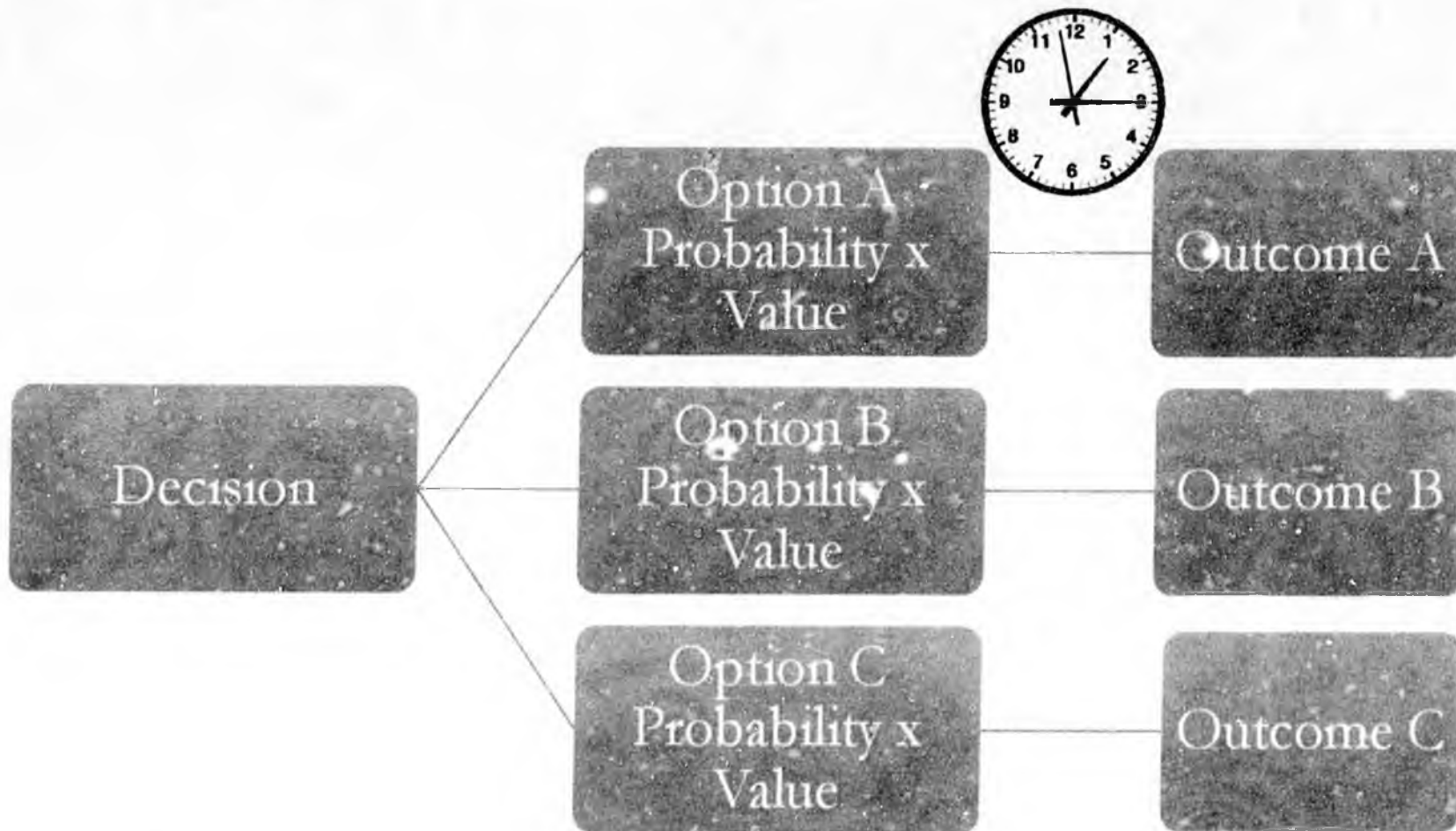


Defining the Process

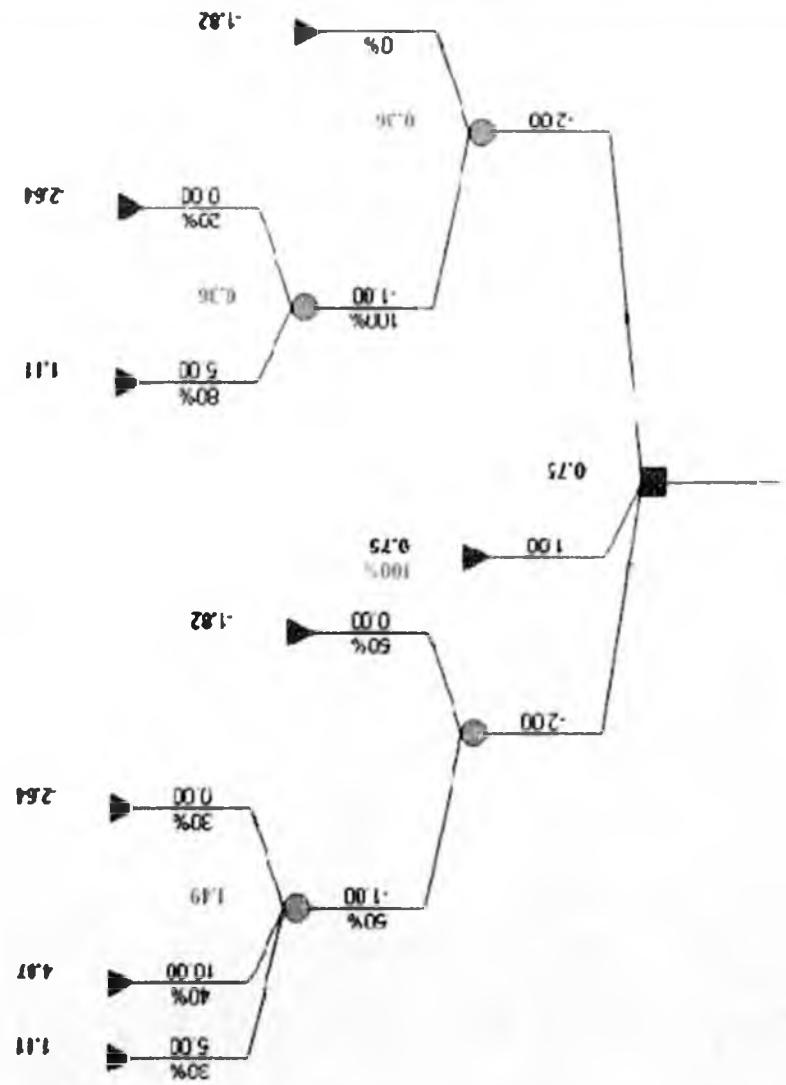
Mediation



Decision Tree



Complex Decision Tree



~

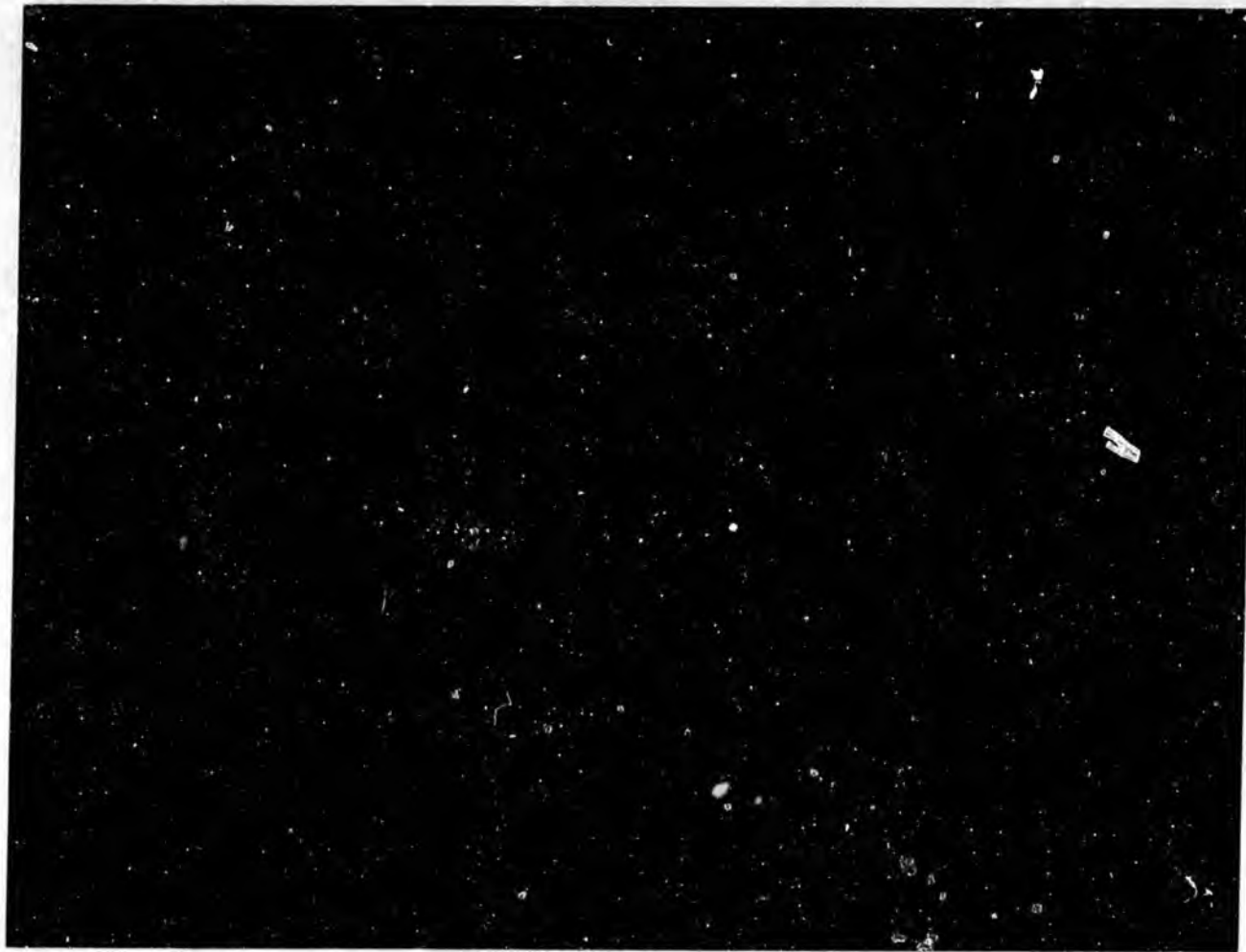
Defining the Enterprise Narrative



Consensus Building Institute

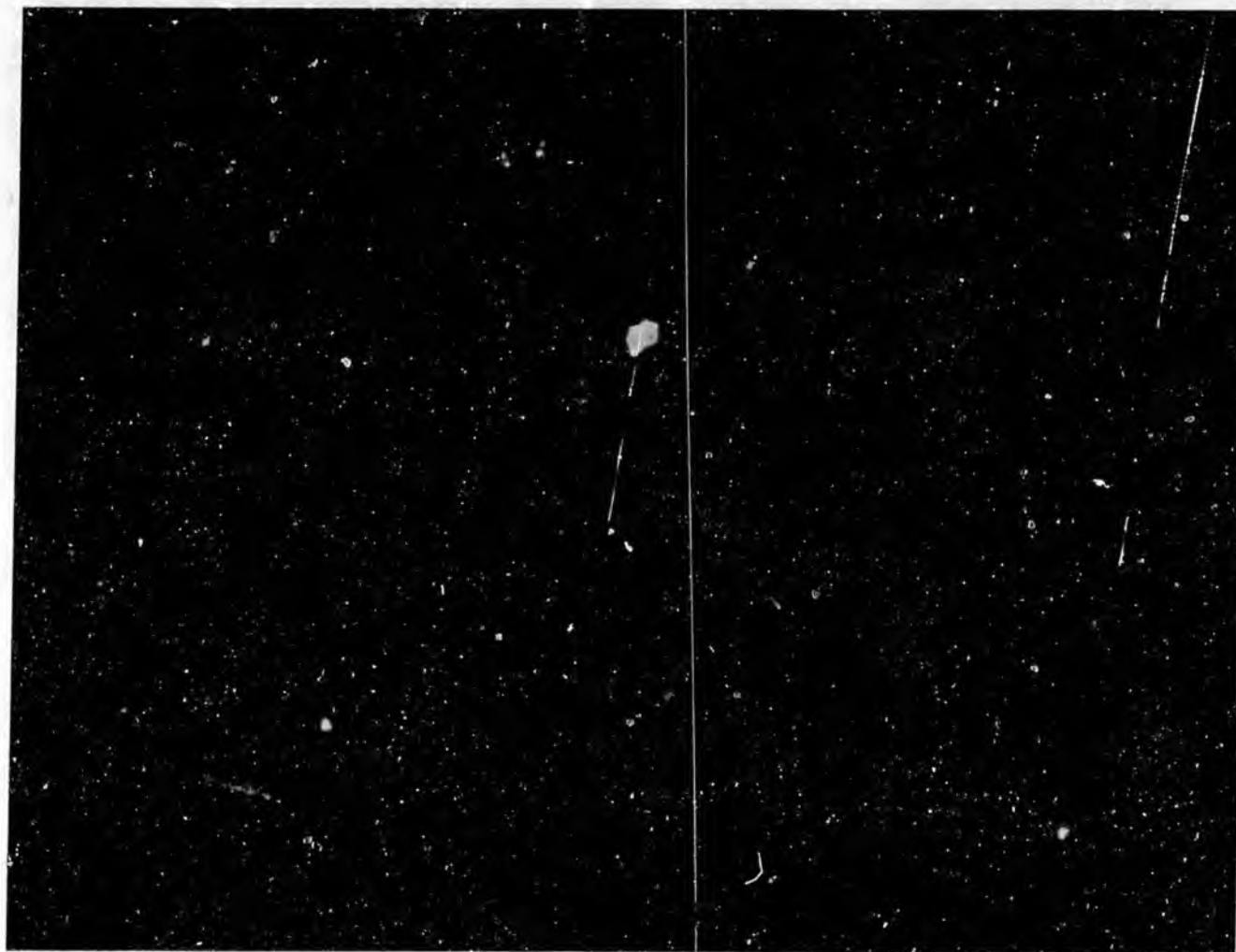
Defining the Enterprise Narrative

Chess



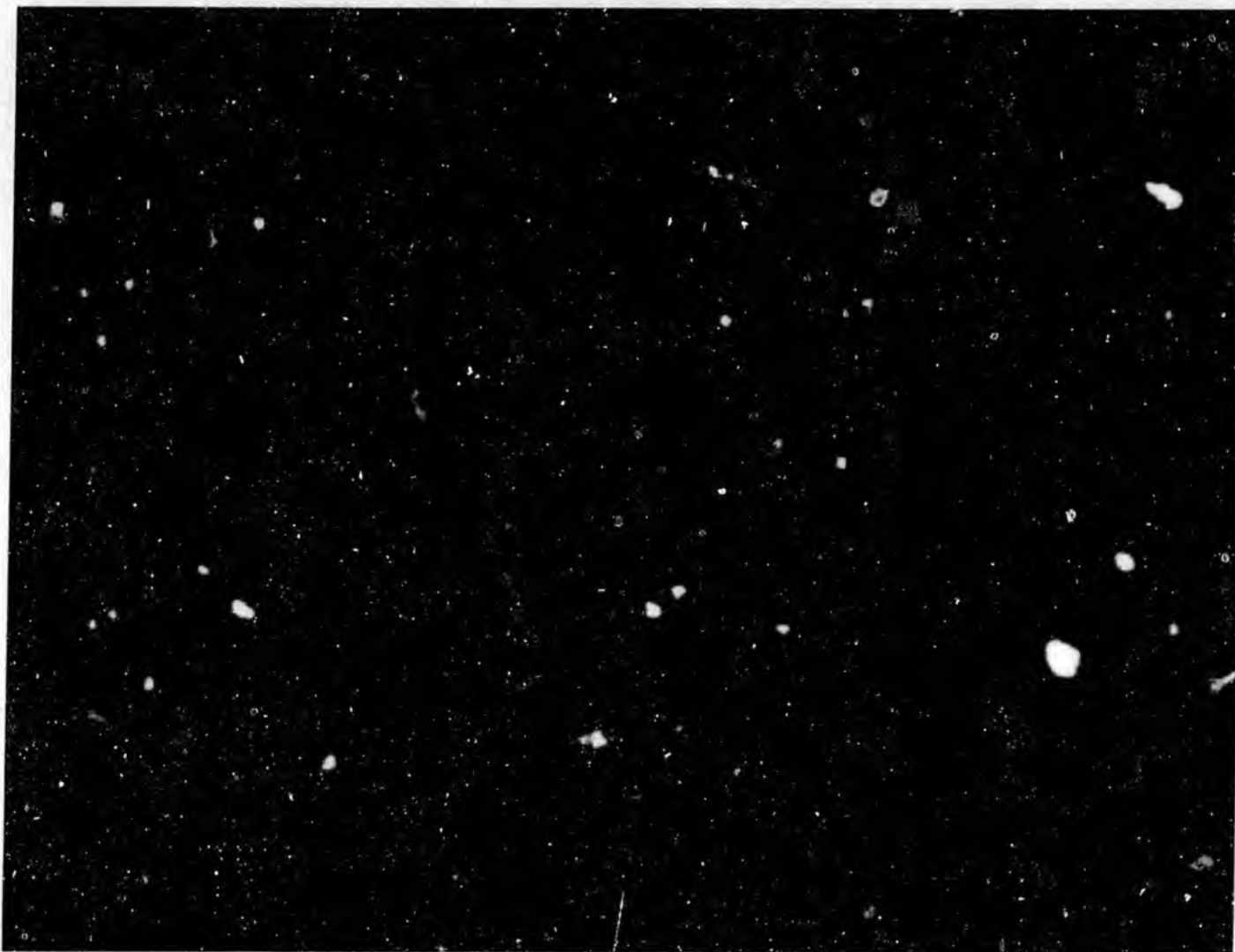
Defining the Enterprise Narrative

Chicken



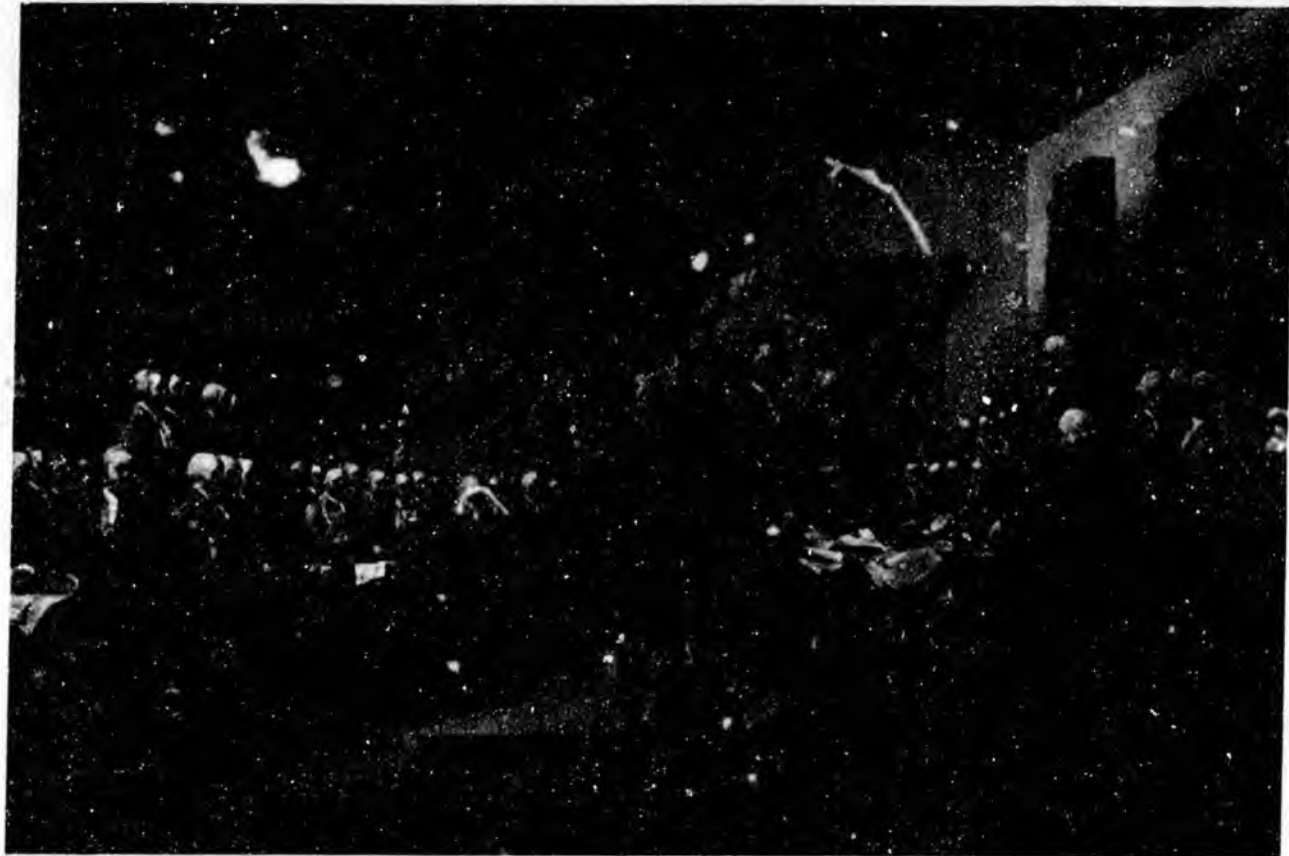
Defining the Enterprise Narrative

War



Defining the Enterprise Narrative

Value Creation



Defining the Enterprise Narrative

Value Creation



Snake River Basin Adjudication



Strategic Mediation

- **Parties**
- **Issues**
- **Procedures**
- **Information**

Parties

US Department Of Justice
Nez Perce Tribal Executive Committee
Native American Rights Fund
Bogus Basin Recreation Association
Lake Reservoir Company
Little Salmon Water Users
Newfoundland Partners
Payette River Water Users
Pioneer Irrigation District
Settlers Irrigation District
Sinclair Oil Corporation
Thousand Springs Ranch
State of Idaho
Black Canyon Irrigation District
Potlatch Corporation



Parties

Idaho Power Company

Amalgamated Sugar Company

Basic American Inc.

Eastern Western Corporation

Konkolville Lumber Company

Lamb Weston

Lewiston Orchards Irrigation

Ore Ida Foods, Inc.

Port of Lewiston

Riverside Independent Water

Shearer Lumber Products

Weyerhaeuser

City of Ashton

City of Bliss

City of Bovill



Parties

City of Buhl

City of Burley

City of Cascade

City of Challis

City of Chubbuck

City of Cottonwood

City of Council

City of Culesac

City of Deary

City of Declo

City of Donnelly

City of Eden

City of Elk River

City of Emmett



Parties

City of Fairfield
City of Fruitland
Garden City
City of Glenns Ferry
City of Grandview
City of Grangeville
City of Hailey
City of Heyburn
City of Inkom
City of Juliaetta
City of Kamiah
City of Kendrick
City of Kooskia
City of Kuna
City of Lapwai



Parties

City of Lewiston

City of Mackay

City of Meridian

City of Middleton

City of Minidoka

City of Mountain Home

City of Mud Lake

City of Nampa

City of New Plymouth

City of Nez Perce

City of Oakley

City of Orofino

City of Parma

City of Paul

City of Payette



Parties

City of Peck

City of Pierce

City of Pocatello

City of Rigby

City of Ririe

City of Roberts

City of Rupert

Sugar City

City of Salmon

City of St. Anthony


City of Stites

City of Troy

City of Ucon

City of Weiser





Parties

Allen Noble Farms, Inc.

Allen T. Noble

Jeff Blanksma

C & T Ranches

Cottonwood Canal Company

Farm Development Corporation

Grindstone Butte Mutual Canal Co.

G. Patrick Morris

Nampa & Meridian Irrigation District

Sailor Creek Water Company

West End Project

Hecla Mining Company

Boise Cascade Corporation

A & B Irrigation District

Aberdeen-Springfield Canal Co.

Parties

Burley Irrigation District

Falls Irrigation District

Milner Irrigation District

Win Falls Canal Company

Farmers Co-op Ditch Company, Ltd.

Burgess Canal & Irrigation

Egen Bench Canal, Inc.

Enterprise Irrigation District

Idaho Irrigation District

New Sweden Irrigation District

North Fremont Canal & Irrigation

Peoples Canal & Irrigation

Progressive Irrigation District

Snake River Valley Irrigation

Mimidoka Irrigation District

Parties

JR Simplot Company

Agland, Inc.

Agwild, Inc.

Bar U, Inc.

Buck Creek Ranch, Inc.

Glen Dale Farms, Inc.

ME Investment Company

Potato Storage, Inc.

Simplot Cattle Company

Simplot Dairy Products, Inc.

Simplot Meat Products, Inc.

SSI Food Services, Inc.

SSI Foods, Inc.

Sunnyslope Orchards

TM Ranch Company

Parties

Big Bend Frigateon District

Boise-Kuna Frigateon District

City of Ketchikan

New York Frigateon District

Wilder Frigateon District

Sunnyside Duch Company

Wagner Frigateon District

Shoshone-Bannock Tribes



Other Potential Participants

State of Washington

State of Oregon

State of Montana

Bonneville Power Administration

Northwest Power Planning Council

Umatilla Tribe

Warm Springs Tribe

Yakima Tribe

Pacific Advocacy Center

Land and Water Fund of the Rockies

American Rivers

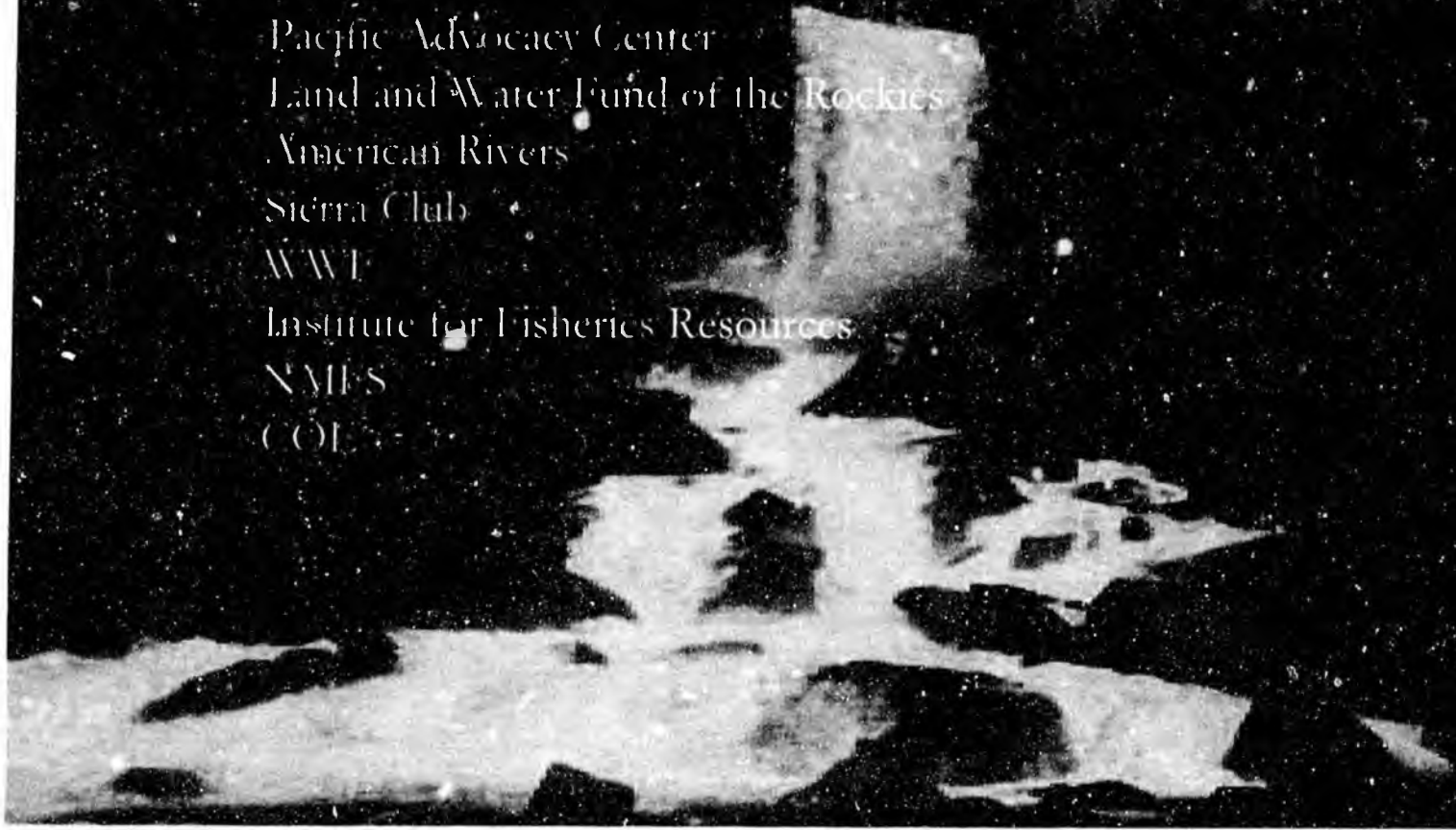
Sierra Club

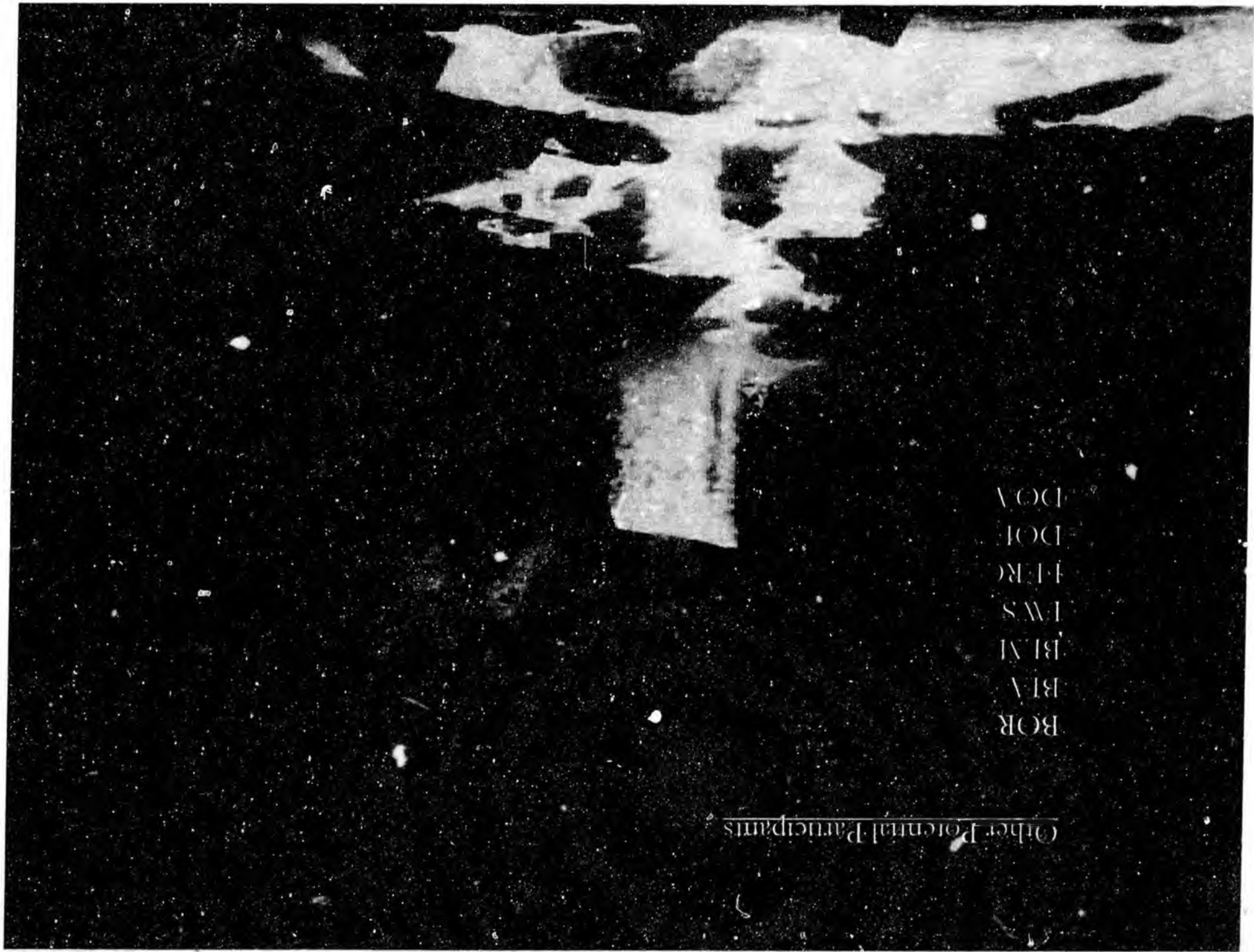
WWF

Institute for Fisheries Resources

NMFS

COE





Other Potential Participants

BOR

BIA

BI M

IWS

FER

DOI

DOA

ISSUES

Snake River Basin Adjudication Issues

Fact

Salmon Recovery

Law

Treaty Reserve
Water Right

Other Idaho Specific Issues

Water Rights

Fact

Water Volume

Passage

- Spawning

- Rearing

- Maintenance

- Time

Location

Law

Snake River Basin Adjudication

FERC License

Water Markets

State Water Statute

- In-stream

Pumping

Future rights

Other Idaho Specific Issues

Water Rights

Fact

Law

- Water Quality
- Channel Maintenance
- Surface Water Rights
- Aquifer pumping rights
- Aquifer recharge
- Access to existing facilities
- Conservation
- Flood Control

1

J

Other Idaho Specific Issues

Fact

Law

Water Volume
Water Temperature
Other Water Quality
Water Passage
- Diversions
- Culverts
Recreation Practices
Mining Practices
Timber Practices
Agricultural Practices
Hatcheries

Endangered Species

Habitat Conservation Plan
Water Rights
Water Quality Standards
- TMDL
- NPDES
ESA
- Sec. 7
- Sec. 4(d)
Species Harvest Rules

Other Idaho Specific Issues

Water Quality

Fact

Law

Volume

Temperature

Gas

Pollutants

- Phosphorus

- Pesticides

Sediment

Other Chemicals

Forestry Practices

Agriculture Practices

Mining Practices

Water Rights

Water Quality Standards

TMDL

NPDES

Habitat Conservation Plan

FERC License

Water Market

Pollutant Market

Other Idaho Specific Issues

Water Quality

Fact

Law

Recreations

Jet boats

Rafters

Fishers

Aquatic Habitat

Diversions

Aquifer Recharge

Other Idaho Specific Issues

Funding & Management

Fact

Law

Water Quality

Wetlands

Riparian Buffers

Diversion Removal

Culvert Replacement

Irrigation Efficiency

Land Acquisition

Water Volume

In stream flow purchase

Irrigation Efficiency

Water Conservation

Hatcheries

Enforcement

Mitigation

State EPA

Federal:

BPA

BOC

COE

CRFP

Private:

IPC

Green Power

Water Market

Non-Idaho Specific Issues

Fact

Lower Snake Dams
John Day Reservoir
Commercial Fishing (non-Idaho)
Recreational Fishing (non-Idaho)
Pacific Ocean Conditions
Fish Friendly Turbines,
Barging and Other Transportation,
Other Columbia River Basin Issues

Law

Other Treaty Rights



Procedure

Preliminary Discussions

Joint Session/Presentations

Private Caucus

Mediator's Techniques/Style

Questioning

Suggestions

Educating

Proposing Solutions

Evaluating Claims

"Agree to Disagree"

"Brainstorming"

Procedure

Mediator's Techniques/Style (cont'd)

"Decision Trees"

Expand Resources

One Text

Conditional Offer

Two-Step Offer

Mediator-proposed Settlement

Settlement Agreement

Information

Water Rights

Endangered Species

Water Quality

Funding and Management



ConocoPhillips

TOGETHER.
moving. energy.



DENALI
the alaska gas pipeline

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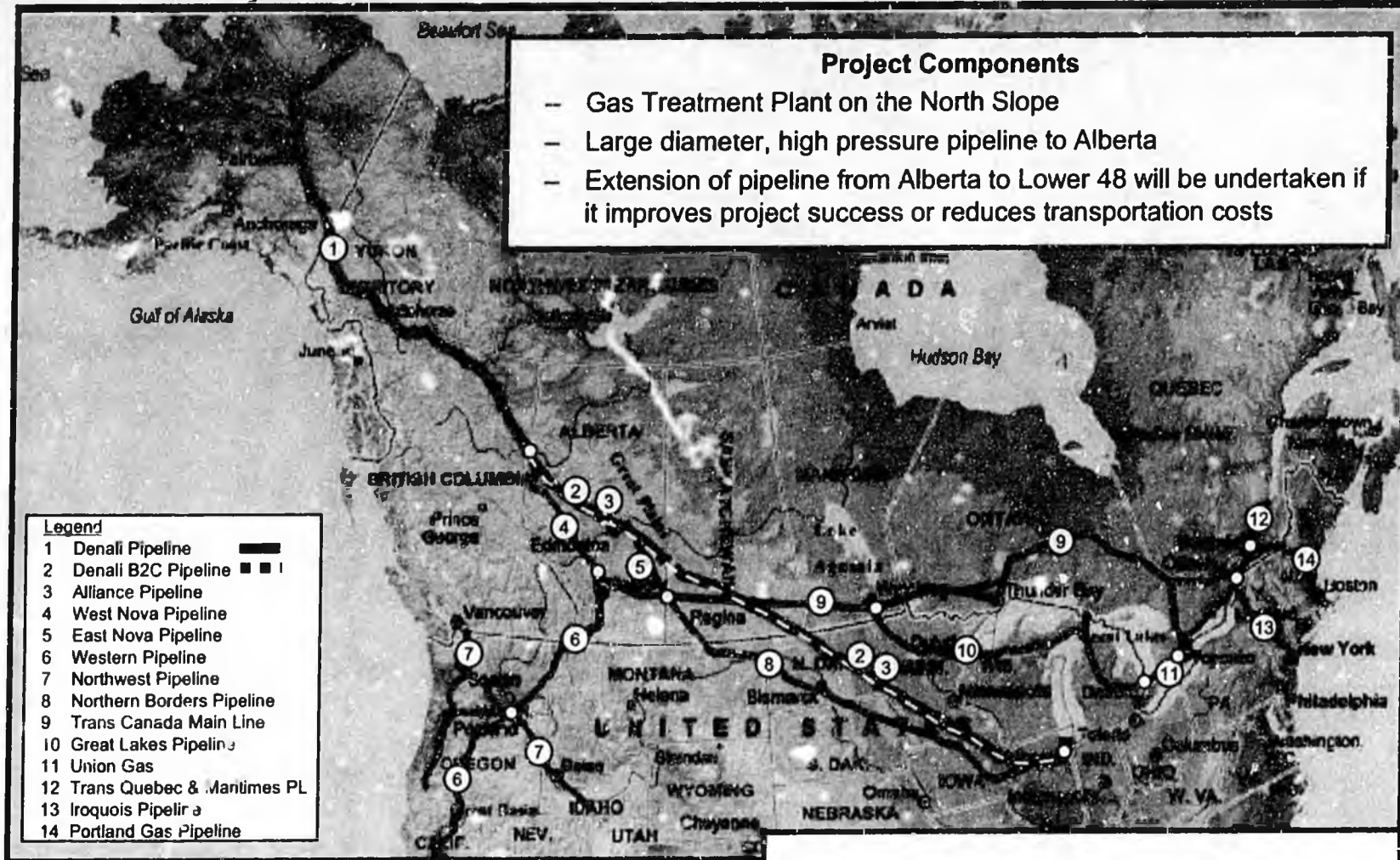
Denali – The Alaska Gas Pipeline

- BP and ConocoPhillips have **joined to start** “Denali – The Alaska Gas Pipeline”
- Project headquarters in **Anchorage**
- **New company** formed to manage the project in Alaska; joint venture being formed in Canada
- Plan to **start open season** before year-end 2010
- Plan to **spend \$600 million** over 36 months
- Joint project **team mobilized**
- Field work **program underway**



Denali Project

4 billion ft³/day to North American Consumers

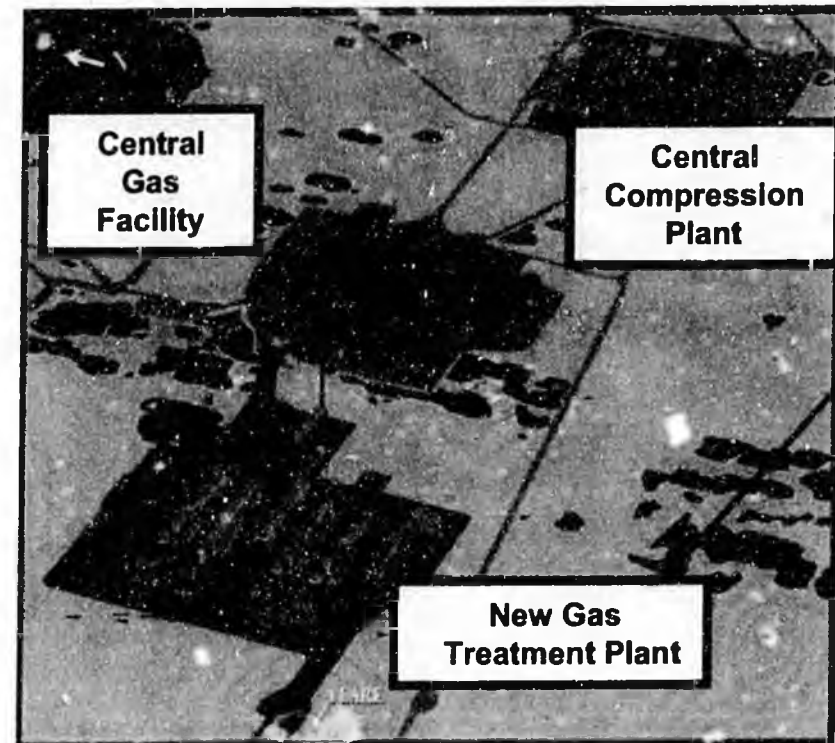


How much is 4 billion cubic feet per day?
6-8% of US daily consumption

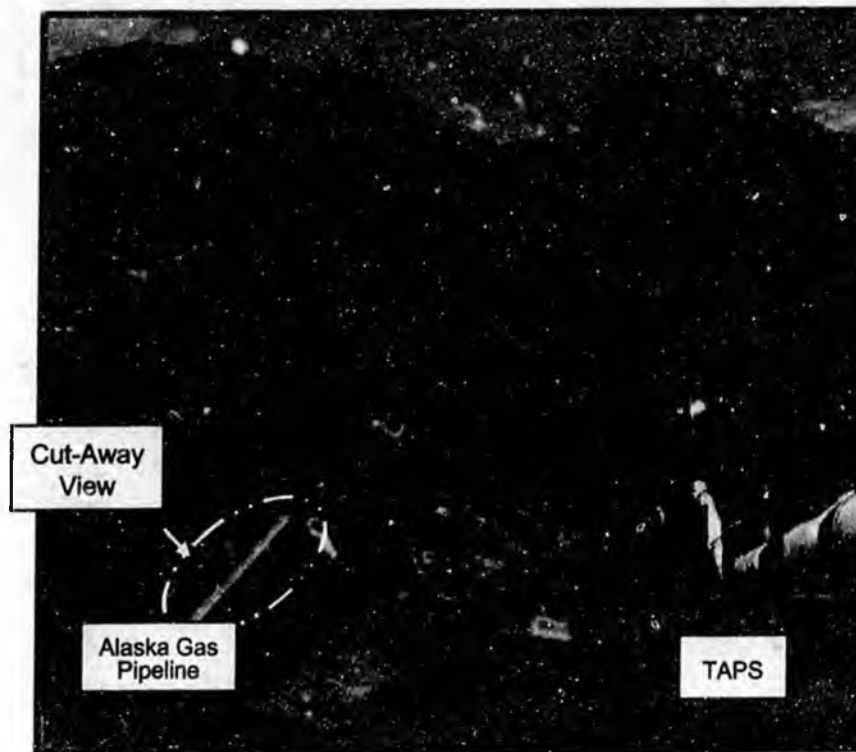


Gas Treatment Plant

- **What** will it do?
 - Remove CO₂ and other impurities
 - CO₂ to be reinjected, reducing greenhouse gases
 - Dehydrate gas
 - Remove water
 - Compress gas
 - For pipeline pressure
 - Chill gas
 - Maintain permafrost
- **Where** will it be?
 - Located near the Prudhoe Bay facilities



Pipeline



- **What** is it?
 - Buried large diameter pipeline
 - Operates at ~ 2,500 psi
 - Compressor stations every 100 to 200 miles at >40,000 hp each
- **How big** is it?
 - About 2,000 miles to Alberta
 - ~2-3 million tons of steel
 - Possibly another 1,500 miles to US markets
 - ~2 million tons of steel

Near Term Alaskan Programs

- Make available **\$30 million** to fund
 - Job Training Programs
 - In-State Gas Feasibility
 - Infrastructure Upgrade Studies



Job Training

- **Our goal** is having a trained workforce for this project
- Owner companies support many **technical training** programs
- Committed to **train local residents** for this project



Denali's owner companies have demonstrated a long history of local hire, buy, and build. Denali will share that commitment.

- Will support **in-state gas distribution** efforts, including gas to Southcentral Alaska
- Will provide for **at least 5 Alaskan offtake points, including Fairbanks**
- Other offtake points as appropriate

The map shows the state of Alaska with a dark background. A light-colored line represents the 'Proposed Route' of the Denali gas pipeline, running from the north coast towards the south. Several small circles are scattered across the state, representing 'Potential Alaska Offtake Points'. A legend in the upper right corner identifies the line as 'Denali - The Alaska Gas Pipeline proposed route' and the circles as 'Potential Alaska Offtake Points'. Labels on the map include 'Proposed Route', 'Bering Sea', 'Gulf of Alaska', and 'Fairbanks'. The word 'Denali' is also visible in the upper right area of the map.

- Denali - The Alaska Gas Pipeline proposed route
- Potential Alaska Offtake Points



DENALI
the alaska gas pipeline