

The Alaska Mental Health Trust Authority
Trust Land Office
BEST INTEREST DECISION AFFIRMED
Amended Lease
Doug Baker Placer Lease

MHT 9400572
MH Parcel F70015

Action: Adopt the Best Interest Decision dated August 7, 2015, regarding the above referenced disposal as final, with the modification described below. This decision document, combined with the Best Interest Decision dated August 7, 2015, constitutes the final decision on this matter, in accordance with 11 AAC 99.040.

Notice under 11 AAC 99.050: The Trust Land Office (TLO) published the public notice of the decision to amend the legal description of the above referenced lease in the Fairbanks Daily News-Miner on August 9, 2015, and distributed the notice to other interested public and private parties.

Summary of Comments: A total of twelve comments were received before the comment deadline closed, all of which opposed the proposed amendment to the referenced lease. However, none of the comments cited deficiencies in the decision with respect to inconsistencies with 11 AAC 99, or pointed out how the decision would not be in the best interests of the beneficiaries of the Trust. In general, the comments pertained to broader public purposes like potential visual impacts, impacts to traffic in the area, and potential noise issues. Given the location of the lease area, no visual impacts are expected to occur, nor are any impacts to traffic. A reduction in lease acreage will help to mitigate noise issues. While impacts from the proposed lease are anticipated to be minimal, it should be pointed out that the decision made by the TLO must be based on the trust management responsibilities accepted by the Territory of Alaska under the 1956 Alaska Mental Health Enabling Act, as further clarified by the 1994 Alaska Mental Health Trust litigation settlement and its associated State of Alaska legislation. Specifically, as required by 11 AAC 99.020(b), Trust land is to be managed “solely in the best interest of the Alaska Mental Health Trust and its beneficiaries.” To the extent that management solely in the best interest of the Trust results in broader public purposes, such as recreational opportunities or view shed protection beyond what is required by law results in a cost to the Trust and its beneficiaries or an abrogation of the TLO’s responsibility to maximize the benefits from a given asset to the beneficiaries, then the action is not allowed.

Trust Authority Consultation: The Alaska Mental Health Trust Authority was consulted on this matter on May 13, 2015.

Modifications: Based on a field inspection and consultation with the lessee, the overall lease area will be reduced to approximately 6 acres. As no comments were received suggesting that the Best Interest Decision dated August 7, 2015, should be substantively modified in any way to better serve the interest of the Trust and its beneficiaries, the Executive Director has determined that no change, other than the modification noted above, shall be made to that document.

Final Decision of the Executive Director: Considering all of the above, the Executive Director of the Trust Land Office hereby adopts the Best Interest Decision dated August 7, 2015, as final.

Reconsideration: Persons who submitted timely written comments during the notice period that ended September 9, 2015, are eligible to request reconsideration of this final best interest decision under 11 AAC 99.060(b) within 20 calendar days after publication of the notice or receipt of the final decision, whichever is earlier. A request for reconsideration must be submitted in writing to the Executive Director. Before filing an appeal to the Superior Court under AS 44.62.560, a person must be eligible to request and must actually request reconsideration within the time specified above.

The Executive Director shall order or deny reconsideration within 20 calendar days after receiving the written request for reconsideration. If the Executive Director takes no action during the 20-day period following the request, the request is considered denied. Denial of a request for reconsideration is the final administrative decision for purposes of appeal to the Superior Court under AS 44.62.560.

APPROVED:



John Morrison
Acting Executive Director

9-10-15

Date