Alaska Mental Health Trust Authority

Public Comment

November 2025 Board of Trustees

Testimony to the Trust Authority Board 11/13/25

And management

The Trust has a fiduciary duty to make sure Trust beneficiaries in locked psychiatric facilities are receiving rights and the protection of rights and quality of care equal to what is known as best practice.

The Trust does not have the basic information necessary to fulfill its obligations: number of people that rotate in and out of locked psychiatric facilities or units for a forced evaluation or treatment each year—number of patients injured during treatment or transportation to or in psychiatric facilities—number or traumatic events experienced by psychiatric patients each year—number and type of patient complaints each year.

The Trust should be sponsoring and holding committee meetings to answer this question: "Do patients have rights and protection of rights that equal best practice and do patients receive best practice care?"

Alaska is about 10 to 40 years behind best practice when writing regulations to protect psychiatric patients in locked psychiatric facilities or units and patients in community care. <u>Alaska may be the only state that does not have an administrative appeal process in law or regulations for a psychiatric patient's complaint past the walls of a psychiatric facility or unit.</u>

Concerning treatment plans for psychiatric patients in community care and locked facilities: an updated, current treatment plan is crucial for a patient's recovery.

The Legislature has passed laws to protect psychiatric patients in locked psychiatric facilities and units. But there are inadequate regulations and enforcement of the laws.

State law AS18.20.095, gender choice of staff for intimate care law—no locked psychiatric facility has written a policy that requires that routine safety checks into a patient's bedroom, bathroom, or shower must be done by the same gender staff as the patient as required by the law. Also, psychiatric facilities are not writing policies that would put them into a position for providing patient's intimate care by the gender choice of the patient. A psychiatric facility in the state of Maine has a policy to divide up the workforce so that there are men and women staff on the unit. They also have a policy that someone can work overtime to provide gender choice of staff. Psychiatric facilities in Alaska refuse to write hospital policies that would even allow them to provide gender choice of staff for intimate care. There should be regulations to force psychiatric facilities to follow the gender choice law.

State law AS47.30.840 gives eleven rights to patients in locked psychiatric facilities and units, but there are no regulations or state oversight to make sure patients are getting all their rights in a fair way. I believe after examination by an independent review, it will be shown that patients are not getting their rights in a fair way. One regulation should state that a patient's rights cannot be removed for a minor infraction of hospital rule, which is what is happening now.

State law AS47.30.847, the Grievance Law: the first paragraph states that a patient has a right to bring grievance to an impartial body—there is no state regulation to make sure that is happening in a fair way. There should be.

By the same grievance law, patients have a right to have assistance by a trained patient advocate when they file a grievance. But there are no regulations outlining the role of the patient advocate and their training. Massachusetts has passed regulations to outline the role of the patient advocate, concerning their training and when the advocate must be available to the patients, etc. Alaska must do the same.

About 40 years ago, the state of Maine put this in regulations: "Under no circumstances shall the remedies requested in a grievance be denied nor the processing of a grievance be refused because of the availability of a less formal procedure." Alaska must do the same. **Alaska Psychiatric facilities have been allowed to put patients through a lengthy, informal complaint process—in this practice Alaska is 40 years behind best practice.**

We are asking the Trust to hold committee meetings to determine if Trust beneficiaries have the rights, care and protection they deserve.

Thank you for your attention to this issue.

Faith J. Myers and Dorrance Collins, 907-929-0532 faith.myers@gci.net

Mary Wilson MD,
Valette Keller,

I am asking that this request be passed onto Trust management and Board members.
We are asking for a support letter from the Trust calling for legislative improvements in the requirements of the patient advocate required by state law AS47.30.847.
In Alaska, the role of the patient advocate in locked psychiatric facilities is governed mostly by the owners of locked psychiatric facilities. They are not impartial—they are slanted towards protecting the hospital not the patients.
Attached are regulations produced in Massachusetts that has more requirements and guidelines for the patient advocate—Alaska should do something similar.
We are asking for a support letter from the Trust Board stating there should be more state guidelines for the patient advocate required by state law AS47.30.847.
Legislative session is coming up—at the earliest convenience write a support letter.
Thank you,

Faith Myers and Dorrance Collins, 907-929-0532

11/14/25

To: Mental Health Trust (MHT) Board of Directors

From: Gershon Cohen Ph.D., Project Director, Alaska Clean Water Advocacy, 42-year Haines resident

Re: American Pacific Mining/Constantine North (APM)/MHT lease

I believe it is in the best interest of the MHT to consider alternatives before extending/renewing the APM lease. APM's recent announcement (11/13) that the project has been transferred to another junior exploration company (Vizsla Copper (VC)) for shares of stock whose value is dependent on the new owner making progress where APM failed, will do little if anything to change the project's outcome. There are more realistic options for securing income to support MHT programs and services than to hope the Palmer Project will miraculously turn around and generate mining royalties. Here are a few of the reasons why:

1. Major players in the mining industry are not interested in pursuing the project. A year ago, after a ten-year investment of ~$40 million, the Japan-based financial backer of the project (Dowa) walked away. APM was unable to find a funder to replace Dowa and yesterday gave the project to VC in exchange for stock that will only have value if VC finds someone to bankroll further exploration. If APM, Dowa, and industry backers thought the project was viable, Dowa wouldn't have abandoned the effort, and APM wouldn't have opted for an exit strategy that has no guarantees of revenue for the company.

2. The value of the deposit remains far from proven despite decades of exploration. Surface core-sampling and underground mapping of the deposit to date indicate it will be challenging if not impossible to mine profitably. The deposit's high sulfide content combined with the area's significant levels of precipitation is very likely to generate sulfuric acid, increasing the risk of heavy metal contamination in nearby ground and surface waters. The site is also regularly impacted by landslides, avalanches, high winds, and earthquakes, so there will be a constant threat to mining infrastructure and treatment systems, the integrity of waste-rock piles, the safe storage of fuel, etc. According to several independent geologists, more surface core-sampling will do little to prove the value of the project. APM proposed six years ago, but failed to fund or undertake, digging a mile+ long tunnel under a melting glacier to confirm the location and value of the deposit. This exploratory tunnel, estimated to cost upwards of $30 million, would have resulted in the discharge of hundreds of thousands of gallons per day of wastewater contaminated with heavy metals and other pollutants into the Klehini and Chilkat rivers, threatening local fishing and tourism industries and our ability to harvest a critical local food source.

3. The project will never have the social license to move forward. VC has already demonstrated the hype and optimism one expects from a junior exploration company trying to raise and spend other people's money. According to Craig Parry, CEO of Vizsla Copper, quoted in the Chilkat Valley News 11/13: "For us, it's a very straightforward job, win community and First Nations and government support, and get in and drill some spectacular holes come summer next year." The new owner seems to be remarkably uninformed – or perhaps misinformed – the project is opposed by an ever-growing majority of residents in the Chilkat Valley. According to Chilkat Indian Village President Kimberley Strong (https://chilkatforever.org/press-releases/sustained-and-unyielding-opposition-from-jilkaat-heeni-stewards): "no owner has the consent of the village government and any entity considering investment will face sustained and unyielding opposition from the stewards of the river." No assurances or offers of mitigation or compensation will change the community's perspective on the Palmer Project. The Chilkat Valley's identity is based on hosting the largest congregation of eagles on Earth and healthy runs of all five species of wild salmon. Without productive, uncontaminated rivers and streams the regional ecology, economy, and culture will not survive.

4. The project lacks critical supporting infrastructure. The deep-water port referenced in promotional materials for the project is a 70-year old dock that is crumbling into Lutak Inlet. The Haines Assembly recently terminated its relationship with the company that had designed a replacement dock with the capacity to transfer ore, and is looking towards developing a new, smaller design without ore transfer capability. The claim to being adjacent to the Haines Highway ignores the fact that the deposit is on the other side of a wide, braided river and the 12-mile gravel road that supposedly connects the mine site to the highway frequently washes out when the winter snows melt. A dubious effort to get FEMA to build a new road to the mine imploded a year ago, after FEMA realized the road had not been destroyed in the 2020 storm as claimed, and without permission the developer had expanded the first phase of the road rebuild beyond what FEMA had tentatively approved, resulting in FEMA retracting its commitment of $13 million to "rebuild" the Porcupine Road. Building an ore-transfer capable dock and a road to the mine will cost a developer $50 -75 million – a significant and arguably foolish investment given all of the obstacles and uncertainties, for what is anticipated to be a relatively short-lived mine.

5. The Trust shouldn't bend over backwards to consider the lessee in good standing. The work-requirement described in Subsection 6 of the lease only makes sense in the context of progressing toward the goal of developing a mine. APM had a 2025 work requirement of ~$575,000. I understand this requirement can be met by counting "left over" work from previous years. But the fact is much of that work credit came from the construction of a 60-person camp needed to house workers for the project, and in 2025 APM took a major step backwards by disassembling and removing the work camp to eliminate the leasing costs for the housing units and the increased tax levy from the Haines Borough based on building improvements on the property. Given that the work camp now needed by VC no longer exists, a reasonable accounting would remove the previous credits for building the camp. According to the lease on page 7 under Agreement Subsection 5. Term:

> *"...if Commercial Production has not yet commenced, this Lease may be extended only if Lessee…(c) establishes to the reasonable satisfaction of the TLO that Lessee is diligently pursuing advanced exploration or development activities within the Leased Area."*

Little if any net progress was made in recent years and there was little if any forward activity on the site in 2025. APM therefore failed to meet the requirements of Subsection 5 above, which should preclude renewing or extending the lease. VC's "pursuit" of advanced exploration will be trying to raise the money to make some effort on the Project in 2026. If VC's attempt to raise significant funds mirrors the failed effort by APM, which is certainly likely, 2026 and subsequent years will not result in any more proactive activity than the last few work seasons.

I know the Trust tries to take a "long view" on investment strategies, but given the extremely low chance of this project ever generating mining royalties, the long view interests of the Trust would be better served by reassessing the value of this property without considering it to have mining potential and selling it to generate funds that could be employed for other purposes. Alternatively, the Trust could ask the State to trade this property for another parcel with a much higher likelihood of generating a return capable of supporting important Trust programs.

Thank you for considering my comments. Please contact me if you have an interest in exploring any of these issues in greater detail.

Sincerely,

Gershon Cohen Ph.D.

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