

**Alaska Mental Health Trust Authority**  
**Trust Land Office**  
**Notice under 11 AAC 99.050 of**  
**Decision to Adopt Resource Management Strategy 4<sup>th</sup> Edition**  
**Project No. 2022-193**

Notice is hereby given that, pursuant to the provisions of AS 38.05.801 and 11 AAC 99, the Executive Director of the Alaska Mental Health Trust Land Office (TLO) has determined that it is in the best interest of the Alaska Mental Health Trust and its beneficiaries to adopt the Resource Management Strategy 4<sup>th</sup> Edition. The basis for this determination is explained in a written best interest decision prepared by the Executive Director pursuant to 11 AAC 99.040. The Trust land affected by the decision is Trust Parcels: Statewide.

Persons who believe that the written decision should be altered because it is not in the best interest of the Trust or its beneficiaries, or because the decision is inconsistent with Trust management principles set out in 11 AAC 99.020, or any other provision of 11 AAC 99, must provide written comments on or before **4:30 PM, September 22<sup>nd</sup>, 2021. Comments should be submitted to the TLO at 2600 Cordova Street, Suite 201, Anchorage, AK 99503, or by fax (907) 269-8905 or email [mhtlo@alaska.gov](mailto:mhtlo@alaska.gov).** Following the comment deadline, the Executive Director will consider timely comments that question the decision on the basis of the best interest of the Alaska Mental Health Trust and its beneficiaries or inconsistency with 11 AAC 99, and the best interest decision may be changed in response to such written comments or other information. Commenting parties will be provided a copy of the final best interest decision after the end of the notice period.

To be eligible to file for reconsideration of the best interest decision, or to file a subsequent appeal to the Superior Court, a person must have submitted written comments during the notice period. Eligible persons will have twenty (20) calendar days after published notice of or receipt of the final written decision to request that the Executive Director reconsider the decision under 11 AAC 99.060(b).

Copies of the written decision are available at the Trust Land Office, or at <https://alaskamentalhealthtrust.org/trust-land-office/>. If you have any questions concerning this action, please contact the Trust Land Office at (907) 269-8658.

In compliance with the Americans with Disabilities Act, the Alaska Mental Health Trust is prepared to accommodate individuals with disabilities. Please contact the Trust Land Office at (907) 269-8658 for assistance. Requests for assistance must be received at least 96 hours prior to the comment deadline in order to ensure that any necessary accommodations can be provided.

The Executive Director of the TLO reserves the right to waive technical defects in this notice or to amend, postpone, or vacate the best interest decision.

DocuSigned by:

*Wyn Menefee*

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Wyn Menefee

Executive Director

8/18/2021

Date

Published Anchorage Daily News: 08/22/2021

Published Juneau Empire: 08/22/2021

Published Fairbanks Daily News Miner: 08/22/2021

**The Alaska Mental Health Trust Authority**  
**Trust Land Office**  
**BEST INTEREST DECISION**  
**Adoption of Resource Management Strategy 4<sup>th</sup> Edition**

Project No. **2022-193**  
MH Parcel(s): **ALL**

In accordance with AS 38.05.801 et seq. and the implementing regulations governing Alaska Mental Health Trust (“Trust”) land management (11 AAC 99), Trust land shall be managed consistently with the responsibilities accepted by the State under the Alaska Mental Health Enabling Act (P.L. 84-830, 70 Stat. 709 (1956)). This means that management shall be conducted solely in the best interest of the Trust and its beneficiaries.

In determining the best interest of the Trust and its beneficiaries, and in determining consistency between state law and the Alaska Mental Health Enabling Act, the Executive Director of the Alaska Mental Health Trust Land Office (“TLO”) shall, at a minimum, consider the following interactive Trust management principles in accordance with 11 AAC 99.020:

- Maximization of long-term revenue from Trust land;
- Protection of the corpus;
- Protection and enhancement of the long-term productivity of Trust land;
- Encouragement of a diversity of revenue-producing uses of Trust land; and
- Management of Trust land prudently, efficiently, and with accountability to the Trust and its beneficiaries.

**I. Proposed Use of Trust Land.** Adopt as the updated long-term asset management strategy (Resource Management Strategy) per 11 AAC 99.090(c); this adoption pertains to the updated 2016 RMS and all underlying resource plans for the long-term management of Trust’s non-liquid assets.

**II. Applicant/File #.** Project No. 2022-193

**III. Subject Property.**

**A. Legal Description.** Trust owned parcels statewide.

**B. Settlement Parcel Number(s).** All.

**IV. Proposal Background.** The TLO is required by 11 AAC 99.090(c) to develop and maintain a long-term asset management strategy. The TLO meets this requirement through the Resource Management Strategy (RMS) which replaced the long-term asset management strategy. Initially the first long-term asset management strategy was adopted in 2003. The RMS was initially published in 2013 and has progressed over time in an iterative nature. It began as a five-year investment plan focusing on real estate acquisition and development, which was adopted in July of 2013. After adoption of the original plan, Trustees requested the TLO develop similar plans for all the Trust’s

noncash assets. The first iteration to include a plan for all of the Trust's noncash assets was adopted in January of 2015. The plan in many instances was an analysis of current events and not truly a strategy for managing assets. In March 2016 a new version of the RMS was adopted and was designed as a strategy to diversify, develop, and defend Trust assets. It was written in a more timeless manner with the intent that it would be useful in a variety of market and regulatory conditions for the years to come and need less revision and future updates.

The overall goal of the RMS is to provide strategy and guidance to the TLO for management of the Trust's non-liquid asset base. With a refocused strategy in the CRE post legislative audit it was appropriate to update the RMS and therefore the whole document has been brought current. These 4th Edition modifications were made considering financial requirements of the Trust (both operational and programmatic), economic and market conditions, and the Trusts Asset Management Policy Statement (AMPS).

The actual proposed changes to the RMS can be seen at the link provided in Section XI.

- V. Resource Management Considerations.** The proposal is appropriate as it fulfills the requirements of the Resource Management Strategy adopted as the long-term asset management strategy under 11 AAC 99.090(c).

**VI. Authorities.**

**A. Applicable Authority.** AS 38.05.801; 11 AAC 99.010 and 11 AAC 99.090(c).

**B. Inconsistency Determination.** As the proposed adoption of the plan is specifically authorized under 11 AAC 99, any relevant provision of law applicable to other state lands is inapplicable to this action if it is inconsistent with Trust responsibilities accepted by the State under the Alaska Mental Health Enabling Act (P.L. 84-830, 70 Stat. 709 (1956)) as clarified by AS 38.05.801 and Alaska Mental Health Trust land regulations (11 AAC 99). 11 AAC 99 includes determinations that certain statutes applicable to other State land do not apply to Trust land unless determined by the Executive Director, on a case-by-case basis, to be consistent with 11 AAC 99.020. The State Statutes deemed inconsistent with Trust management principles and inapplicable to Trust land by these regulations have not been applied to this decision or this action, including, but not limited to, AS 38.04 (Policy for Use and Classification of State Land Surface), AS 38.05.035 (Powers and duties of the director), AS 38.05.300 (Classification of land), AS 38.05.945 (Notice), AS 38.05.946 (Hearings), and 11 AAC 02 (Appeals).

- VII. Trust Authority Consultation.** The Alaska Mental Health Trust Resource Management Committee was consulted on April 22, 2021. The Committee recommended that the proposed transaction be forwarded to the Alaska Mental Health Trust board of trustees. The board of trustees was consulted on May 26, 2021, and the board of trustees

concurred with the changes proposed for the Resource Management Strategy, 4<sup>th</sup> Edition subject to the outcome of the notice process.

- VIII. Best Interest Decision.** Given the information above and the information contained in the complete record, the Executive Director finds that the proposed transaction is in the best interest of the Trust, subject to the terms and conditions addressed in this decision. The decision is based upon the consideration of the five Trust management principles set out in 11 AAC 99.020 and is in full compliance with 11 AAC 99. This decision does not preclude the TLO from determining that an alternative proposal will serve the best interest of the Trust. A future determination of that nature will require a best interest decision specific to the proposal.
- IX. Opportunity for Comment.** Notice of this Best Interest Decision will take place as provided under 11 AAC 99.050. Persons who believe that the decision should be altered because it is not in the best interest of the Trust or its beneficiaries, or because the decision is inconsistent with Trust management principles set out in 11 AAC 99.020 or any other provision of 11 AAC 99, must provide written comments to the TLO during the notice period. Following the comment deadline, the Executive Director will consider timely written comments that question the decision on the basis of the best interest of the Trust and its beneficiaries or inconsistency with 11 AAC 99. The Executive Director may then, in his or her discretion, modify the decision in whole or in part in response to such comments or other pertinent information, or affirm the Best Interest Decision without changes. The Best Interest Decision as modified or affirmed will become the final agency action, subject to reconsideration procedures under 11 AAC 99.060. Additional notice will be provided for a substantially modified decision. If no comments are received by the end of the notice period, this Best Interest Decision will be affirmed, and the proposed action taken. (See notice for specific dates.)
- X. Reconsideration.** To be eligible to file for reconsideration of this Best Interest Decision, or to file a subsequent appeal to the Superior Court, a person must submit written comments during the notice period.

Persons who submit timely written comments will be provided with a copy of the final written decision and will be eligible to request reconsideration within 20 calendar days after publication of the notice or receipt of the decision, whichever is earlier under 11 AAC 99.060(b). This request must be accompanied by the fee established by the Executive Director under 11 AAC 99.130, which has been set at \$500, to be eligible for reconsideration. The Executive Director shall order or deny reconsideration within 20 calendar days after receiving the request for reconsideration. If the Executive Director takes no action during the 20-day period following the request for reconsideration, 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.

- XI. Available Documents.** Background documents and information cited herein is on file and available for review at the TLO, located at 2600 Cordova Street, Suite 201,

Anchorage, Alaska 99503. Phone: (907) 269-8658. Email: [mhtlo@alaska.gov](mailto:mhtlo@alaska.gov). The summary of changes and the changes to the RMS in track change can be seen in the exhibits in the Resource Management Committee consultation found at <https://alaskamentalhealthtrust.org/wp-content/uploads/2020/06/Package-ResourceManagement-04-22-2021.pdf> beginning on page 40.

## **XII. APPROVED:**

DocuSigned by:

*Wyn Menefee*

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Wyn Menefee

Executive Director

Alaska Mental Health Trust Land Office

8/18/2021

Date