

The Alaska Mental Health Trust Authority
Trust Land Office
BEST INTEREST DECISION AFFIRMED
Adoption of Resource Management Strategy 4th Edition – Statewide

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

Action: Adopt the Best Interest Decision dated August 18, 2021, regarding the above referenced disposal as final, without modification. This decision document, combined with the Best Interest Decision dated August 18, 2021, constitutes the final decision on this matter, in accordance with 11 AAC 99.040.

Notice under 11 AAC 99.050: The Trust Land Office published the public notice of the decision to adopt the Resource Management Strategy 4th Edition in the Anchorage Daily News, Juneau Empire, and Fairbanks News Miner; on the State of Alaska’s online public notice website and the Trust Land Office public notice website; the Alaska Mental Health Trust Authority, and other interested public and private parties on August 22, 2021.

Summary of Comments: One public comment was received which made multiple broad statements regarding the public notice type and decision process, the mineral activity near Ester Dome on Trust land, trepidation with mineral development on Trust land and its impact on the mental health of nearby residents, concern with the Chinese government and its involvement in the mining industry, and concerns for illegal human organ trafficking and trading in China.

TLO response: 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)). The public notice, and overall decision process, adhered to this framework. The mineral activity near Ester Dome on Trust land is a specific matter adjudicated under a separate file and the comment period for that decision was closed at the time of the comment submission. Alaska’s mental health needs across the state are expansive and costs for mental health services continue to rise. The TLO is charged with, among other things, maximizing revenue from the Trust’s lands to help pay for these costs and to enhance the state’s integrated mental health program. In doing so, the TLO has a duty to manage Trust land consistently with the trust principles imposed on the state by the Mental Health Enabling Act, including managing Trust land solely in the best interests of the Trust and its beneficiaries. In managing all Trust lands, the TLO seeks the greatest overall benefit to the Trust and all its beneficiaries. This is the approach taken in all areas in which the TLO works to generate revenue for the Trust. The remainder of the comment is outside of the scope of this decision.

Trust Authority Consultation: The Alaska Mental Health Trust Authority was consulted on this matter on April 22, 2021.

Modifications: As no comments were received suggesting that the Best Interest Decision dated August 18, 2021, 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 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 18, 2021, as final.

Reconsideration: Persons who submitted timely written comments during the notice period that ended September 22, 2021, 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. 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. 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:

DocuSigned by:

Jusdi Doucet

Jusdi Doucet

Executive Director

10/12/2021

Date