

**The Alaska Mental Health Trust Authority**  
**Trust Land Office**  
**BEST INTEREST DECISION**  
**Negotiated Land Sale – No Name Bay – Fantasy Island - 54.23 Acres**

MHT: 9101118  
MH Parcel CRM-7047

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.** Negotiated land sale, per the Alaska Superior Court’s March 2, 2022 order in *SEACC v. State of Alaska et al*, case no. 3AN-13-09162 CI. (Attached as Exhibit A) and consistent with the Alaska Supreme Court’s decision in *SEACC, v. State of Alaska*, 470 P.3d 129, 145 (Alaska 2020).

**II. Applicant/File #.** Department of Natural Resources, Division of Mining, Land, and Water / MHT 9101118.

**III. Subject Property.**

**A. Legal Description.** Copper River Meridian, Township 62 South, Range 74 East, Section 18; Lot 10, containing 54.23 acres, as shown on the plat of survey officially filed July 11, 1995.

**B. Settlement Parcel Number(s).** CRM-7047.

**C. Site Characteristics/Primary Resource Values.** CRM-7047, known as Fantasy Island, is situated in the southeastern waters of No Name Bay, on the east side of Kuiu island. Access is approximately equidistant from the communities of Petersburg, Wrangell, and Sitka. Fantasy Island is the second largest island within No Name Bay; it has good moorage, storm protection, and offers a remote, unique destination in Southeast Alaska.

- D. Historical and Existing Uses of the Property.** Typical historical and/or existing uses of the type of remote real estate include hunting, harvesting, trapping, fishing, gathering, and recreational use. There are no records of known historical uses on the property.
- E. Adjacent Land Use Trends.** In August of 2021, the Alaska Mental Health Trust Authority (Trust), by its agent the Trust Land Office (TLO), conveyed 3,338.99 acres of land in and around No Name Bay to the US Forest Service (USFS) pursuant to the Alaska Mental Health Trust Land Exchange Act of 2017. This adjacent land in and around No Name Bay is now a part of the Tongass National Forest and managed for the purpose of retaining its undeveloped character. Lands adjacent to No Name Bay on Kuiu Island are also managed by the USFS which include Tebenkof Bay Wilderness and Kuiu Wilderness.
- F. Previous State Plans/Classifications.** The subject property is incorporated in the Central/Southern Southeast Area Plan, adopted in 2000. The property is a part of Management Unit U-08 designated as Habitat (Ha) and Harvest (Hv).
- G. Existing Plans Affecting the Subject Parcel.** The sale of this property is subject to the Central/Southern Southeast Area Plan land use designations and management intent. See Section IV. Proposal Background of this decision for additional information regarding past actions that affect the subject parcel.
- H. Apparent Highest and Best Use.** The apparent highest and best use of this parcel is limited pursuant to the Alaska Superior Court’s March 2, 2022 order in *SEACC v. State of Alaska et al*, case no. 3AN-13-09162 CI. (Attached as Exhibit A) and consistent with the Alaska Supreme Court’s decision in *SEACC, v. State of Alaska*, 470 P.3d 129, 145 (Alaska 2020). Therefore, satisfying the Supreme Court’s decision by completing a negotiated sale of Fantasy Island and conveying the land to DNR is the highest and best use.

**IV. Proposal Background.** Below is a non-comprehensive and incomplete account of this property and the Supreme Court’s decision in *SEACC, v. State of Alaska*, 470 P.3d 129, 145 (Alaska 2020). Also, to be clear, Fantasy Island – the subject of this decision—is a parcel within No Name Bay.

In 1956 Congress enacted the Alaska Mental Health Enabling Act (Mental Health Act) authorizing the Territory of Alaska to take title to one million acres of available federal public domain land in Alaska for an integrated mental health program for the, then, Territory. After Statehood in 1959, the State legislature authorized the use of Trust lands for non-trust purposes in 1978. The State then disposed of and encumbered many Trust lands.

In 1982 representatives of Alaskans with mental health needs brought a class action lawsuit against the State asserting that the State breached its duties under the Mental Health Act, known as *State v. Weiss (Weiss I)*, 706 P.2d 681, 682 (Alaska 1985).

In 1989, the State of Alaska selected No Name Bay under the Alaska Statehood Act as a State selection for community centers and recreation areas. The Bureau of Land Management classified the selection as a top filing under the Alaska National Interest Lands Conservation Act (ANILCA) making the parcel unavailable for conveyance to the State.

In 1991, the legislature enacted Ch. 66 § 55, SLA 1991, commonly called “Chapter 66” authorizing a settlement to reconstitute the Trust through substitution of other state lands. The parties, and a group referred to as the “ACE Intervenors,” (Alaska Center for the Environment and the Southeast Alaska Conservation Council) identified and negotiated lands for the settlement.

In 1994, the legislature enacted Ch. 5 FSSLA 1994, commonly called “HB 201.” HB 201 resolved the Weiss I litigation in a few ways. First, it reinforced the Trust’s purposes, it directed the creation of the TLO, and directed how Trust lands would be managed. Second, it incorporated a ‘lands list’ that identified the lands that would reconstitute the Trust. Included on page 27 of the lands list was a section titled “Other Lands List.” This list specified No Name Bay as a parcel that would not be conveyed to the Trust and instead be designated as wildlife habitat and managed by DNR. When HB 201 was signed into law, No Name Bay and Fantasy Island more specifically, remained in federal ownership.

In 2000, DNR included No Name Bay in its Central/Southern Southeast Area Plan. The property was designated as Habitat (Ha) and Harvest (Hv). The property remained in federal ownership during this time.

In 2004, Congress enacted 118 Stat. 3575, the Alaska Land Transfer Acceleration Act (Acceleration Act). The Acceleration Act allowed general purpose land selections to be converted into community development selections. It also directed the Interior Secretary to “enter into a binding written agreement with the State” concerning “land remaining to be conveyed under each entitlement established.” Neither the Trust nor the State had received their full land entitlement from the federal government.

The Acceleration Act was the driver for the execution of the 2009 Agreement to Settle Remaining Entitlement Under the Alaska Mental Health Enabling Act by and Between the State of Alaska and the U.S. Department of the Interior (DOI) (the Closeout Agreement). The Closeout Agreement, signed by the Trust, DNR, and DOI, directed the federal government to convey No Name Bay to the State as a Mental Health Act selection, not a Statehood Act selection as originally selected in 1989.

In 2012 the federal government conveyed No Name Bay to DNR who subsequently conveyed it to the Trust. In 2013, Southeast Alaska Conservation Council (SEACC) sued DNR and the Trust seeking to return No Name Bay to DNR to manage it as wildlife habitat. SEACC’s complaint included five claims. In 2015 and 2017 the superior court granted DNR and the Trust summary judgment on all claims, designated them as prevailing parties, and awarded them attorney’s fees. SEACC then appealed to the Alaska Supreme Court.

On May 5, 2017, the President signed the Consolidated Appropriations Act of 2017 into law. Public L. No. 115-31, 131 Stat. 135. This Act included the Alaska Mental Health Trust Land Exchange Act of 2017 (AMHTLEA). AMHTLEA directed the transfer of lands, including No Name Bay, from the Trust to the US Forest Service (USFS) for the purpose of “retaining its undeveloped character.”

Because of the ongoing litigation over No Name Bay, USFS would not accept title to No Name Bay. In July of 2020 the appellees, the State of Alaska and Trust, submitted a Request for Decision by Date Certain to the Supreme Court, *SEACC v. State of Alaska*, et al. seeking a decision on the matter of No Name Bay in order to finalize the

land exchange. After a series of motions and requests, in 2021, No Name Bay, excluding Fantasy Island, was conveyed to the USFS.

In August 2020, the Supreme Court issued its decision. *SEACC, v. State of Alaska*, 470 P.3d 129, 145 (Alaska 2020). The Alaska Supreme Court completed a statutory interpretation of HB 201 (1994), finding that Fantasy Island had been included in HB 201's "Other Lands List." That list stated that lands included on this list could "not . . . be designated as Mental Health Trust Land." 470 P.3d at 143. The Court held that No Name Bay should remain in DNR ownership, not Trust ownership. For this reason, the Alaska Supreme Court remanded the case to the trial court to "fashion a remedy consistent with its opinion."

On remand, the litigants in *SEACC* agreed that the conveyance of the majority of No Name Bay to the United States was an adequate remedy for the lands at issue in the *SEACC* litigation. Only Fantasy Island remained, as it had not been included in the Trust-United States land exchange. Regarding Fantasy Island, on March 2, 2022, the trial court approved the parties' agreement that the Trust and DNR complete a negotiated sale of Fantasy Island; thus, conveying the land to DNR.

**V. Terms and Conditions.** In *SEACC v. State of Alaska*, 470 P3d 129, 141-143 (Alaska 2020), the Alaska Supreme Court held that DNR conveying Fantasy Island to MHT violated HB 201 (1994). In compliance with the Alaska Supreme Court's decision, and the trial court order dated March 2, 2022 (see Exhibit A), a negotiated sale from the Trust to DNR is being processed.

**VI. Resource Management Considerations.** NA.

**VII. Alternatives.** NA.

**VIII. Risk Management Considerations.** There are no risks in conveying the described property to DNR and thus complying with the Alaska Supreme Court's decision in *SEACC v. State of Alaska*, 470 P3d 129, 141-143 (Alaska 2020). Consistent with *Weiss v. State*, 939 P.2d 380, 390 the Trust must be made whole for conveying Fantasy Island back to DNR; thus, the Trust must receive fair market value for this property.

**IX. Due Diligence.**

**A. Site Inspection.** On July 11, 2018, an aerial inspection of the property was completed by Charles Horan, certified real estate appraiser.

**B. Valuation.** An appraisal of the property was finalized on August 30, 2023, by Horan & Company Real Estate Appraisers/Consultants. The opinion of subject market value as of that date is \$76,000.00. This market value determination is subject to the property being managed as wildlife harvest and habitat, consistent with the Central/Southeast Southern Area Plan, in addition to the Generally Allowed Uses for public use of state land as provided by 11 AAC 96.010 and .020.

**C. Terms and Conditions Review.** The Department of Law has reviewed all documentation pertaining to this casefile.

- X. Applicable Authority.** AS 37.14.009(a); AS 38.05.801; 11 AAC 99; *SEACC v. State of Alaska*, 470 P3d 129, 141-143 (Alaska 2020); Order in *SEACC v. State of Alaska* (March 2, 2022) (Exhibit A); *Weiss v. State*, 939 P.2d 380, 390 (Alaska 1997); Ch. 5 FSSLA 1994; and Ch. 66 § 55, SLA 1991.
- XI. Trust Authority Consultation.** TLO consultation is defined in statute and regulation under AS 37.14.009(a)(2)(C) and 11 AAC 99.050 and clarified under 11 AAC 99.030(d), which requires the executive director to consult before issuing a public notice of a written decision of best interest.
- XII. Best Interest Decision.** Given the information above and the information contained in the file, 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.
- A. Non-competitive Disposal Determination.** 11 AAC 99.020 (d) allows for the disposal of Trust land through a competitive basis, unless the Executive Director in consultation with the Trust Authority, determines in a written decision required by 11 AAC 99.040 that a non-competitive disposal is in the best interest of the Trust and its beneficiaries. This negotiated land sale is a non-competitive disposal in order to satisfy the Supreme Court Order *SEACC v. State of Alaska*, 470 P3d 129, 141-143 (Alaska 2020) and return the property to State of Alaska management.
- XIII. Opportunity for Comment.** Notice of this Best Interest Decision will take place as provided under 11 AAC 99.050. 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.)
- XIV. 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.

**XV. Available Documents.** Background documents and information cited herein are 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 disposal action proposed by this decision will occur no less than 30 days after the first publication date of this decision, and after the conclusion of the TLO administrative process. For specific dates or further information about the disposal, interested parties should contact the TLO at the above address, or visit the website at: <https://alaskamentalhealthtrust.org/trust-land-office/>.

**XVI. APPROVED:**

DocuSigned by:  
Jusdi Warner 10/27/2023  
Jusdi Warner Date  
Executive Director  
Alaska Mental Health Trust Land Office

**XVII. CONSULTATION CONCURRENCE:**

In accordance with 11 AAC 99.030(d) and the policies of the Alaska Mental Health Trust Authority, the Trust Land Office has consulted with me, and received concurrence to proceed with the above transaction.

DocuSigned by:  
Steve Williams 10/24/2023  
Steve Williams Date  
Chief Executive Officer (CEO)  
Alaska Mental Health Trust Authority

**Exhibit A**  
**Alaska Superior Court’s March 2, 2022 order in *SEACC v. State of Alaska et al*, case no. 3AN-13-09162 CI**

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE

SOUTHEAST ALASKA CONSERVATION COUNCIL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
STATE OF ALASKA, DEPARTMENT OF NATURAL RESOURCES, and ALASKA MENTAL HEALTH TRUST AUTHORITY,	)	
	)	
Defendants.	)	
		) Case No. 3AN-13-09162 CI

**ORDER**

**I. Motion #48**

On September 7, 2021 Plaintiff Southeast Alaska Conservation Council (“SEACC”) filed a *Motion in Support of Proposed Issue Determination* [#48]. SEAC indicated that, in accordance with the decision in *SEACC v. State of Alaska*, the land parcel No Name Bay (designated as NB-1) has been exchanged between the Defendant Alaska Mental Health Trust Authority (“AMHTA”) and the U.S. Forest Service (“USFS”).<sup>1</sup> SEACC then requested that the case no longer be held in abeyance, and that the following remaining issues be addressed: (1) the proper disposition of Lot 10, the 54

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<sup>1</sup> 470 P.3d 129 (2020).

acre island at No Name Bay that was encompassed within SEACC's lawsuit, but which AMHTA did not include in its exchange parcel NB-1 that it has now conveyed to USFS; and (2) the prevailing party designation issue. SEACC proposes an issue determination schedule.<sup>2</sup>

On September 13, 2021 Defendants State of Alaska, Department of Natural Resources ("DNR") and AMHTA (collectively "Defendants") filed a *Responsive Brief*. Defendants request the briefing schedule be amended to give the defendants an additional 60 days to "consider potential solutions involving Lot 10 that would negate the need for additional litigation regarding that parcel." Defendants proposed an alternative schedule.<sup>3</sup>

On September 20, 2021 SEACC filed its *Reply Regarding DNR and MHTA's Responsive Brief*. SEACC indicated that it did not object to the increase to 80 days. However, SEACC was "troubled by the last sentence in Defendants' *Responsive Brief* of

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<sup>2</sup> The timeline for this schedule would be as follows: (1) The Lot 10 Issue: (A) Plaintiff's Opening Brief due within 20 days of the Court's Order on this motion [#48]; (B) Defendant's Response Brief due 20 days after that; (C) Plaintiff's Reply Brief due 14 days after that; (E) Oral Argument upon request and consideration by this Court; (2) The Prevailing Party Designation Issue: (A) Plaintiff's Opening Brief due within 20 days of the Court's final disposition on Issue (1); (B) Defendant's Response Brief due 20 days after that; (C) Plaintiff's Reply Brief due 14 days after that; (D) All briefing deadlines subject to reasonable accommodations through stipulations or non-oppositions if necessary; (E) Oral argument, if requested and granted.

<sup>3</sup> The timeline for this schedule would be as follows: (1) The Lot 10 Issue: (A) Plaintiff's Opening Brief is due 80 days after the signed date of this order; (B) Defendant's Response Brief is due 20 days after the full 80 days have passed for the Plaintiff to submit its opening brief; (C) Plaintiff's Reply Brief due 14 days after that; (D) all briefing deadlines subject to reasonable accommodations through stipulations.



September 13.”<sup>4</sup> SEACC appeared under the impression that “it relegates both SEACC and the Court to the role of simply receiving “notice” of the defendants’ agreement on Lot 10, before the defendants “take action” to implement the agreement they have reached between themselves.” SEACC objected, and insisted that any agreement must be subject to review, briefing by SEACC, and the Court. SEACC then invited Defendants to clarify.

On October 5, 2021 Defendants filed *Defendant’s Clarification*. Defendants indicated that they were actively considering a land exchange between AMHTA and DNR “where AMHTA would reconvey the 54-acre Lot 10 to DNR, but AMHTA would be made whole for the land it is losing.” Defendants indicated that the purpose of the notice would be in order to provide SEACC a chance to object, but that at the time of the filing, the Defendants had yet to come up with an agreement, so any objections to the matter would be premature.

The Court now grants Motion [#48], and adopts Defendants’ proposed schedule as indicated above in footnote #3, to the extent as it is not rendered moot by the Court’s ruling below.

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<sup>4</sup> The sentence read: “If the defendants are able to come to an agreement, they will notify both the plaintiff and the Court prior to taking action.”

## II. Motion #49

On January 19, 2022 Defendants filed a *Motion requesting Court Approval to Begin a Negotiated Sale of Lot 10 to DNR* [#49]. Defendants describe the process of the proposed negotiated sale.<sup>5</sup> Defendants argue that they have filed this motion to secure the Court's approval before beginning the negotiated sale, and that the Court's approval of this sale would be consistent with the Court's order to fashion a remedy from the Alaska Supreme Court.<sup>6</sup> Upon approval, Defendants agree to submit status reports every 60 days updating the Court and SEACC on the status of the negotiated sale.<sup>7</sup>

On January 31, 2022 SEACC filed its *Conditional Non-Opposition to Defendant's Motion for Court Approval to Begin a Negotiated Sale of Lot 10 to DNR*. SEACC indicated that it is not concerned with the negotiated sale process itself. However, SEACC reads between the lines an implication that upon the complete of the sale, the case is closed

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<sup>5</sup> "The process starts with DNR submitting an application to the Trust Land Office requesting to purchase Lot 10 from AMHTA. [11 AAC 99.030] The Trust Land Office processes the application and has Lot 10 formally appraised. Based on the application and appraisal, the Trust Land Office would then need to prepare a best interest decision finding the conveyance of Lot 10 to DNR for the appraised value is 'in the best interest of the trust and its beneficiaries.' [11 AAC 99.040] The Trust Land Office then provides public notice for 30 days of that decision; accepting public comments during those thirty days. [11 AAC 99.050] After the public notice period ends, the Trust Land Office reviews all public comments and revisits the best interest decision. The executive director of the Trust Land Office may then affirm that best interest decision that conveying Lot 10 to DNR is in 'the best interest of the trust and its beneficiaries.' [11 AAC 99.060] the best interest decision affirmed by the executive director is appealable. [aa AAC 99.060] DNR next signs an agreement to purchase Lot 10 and then pays for Lot 10. Upon receipt of payment, the Trust Land Office issues a quitclaim deed to DNR, which the parties record; thus finalizing the conveyance of Lot 10 from AMHTA to DNR."

<sup>6</sup> *Southeast Alaska Conservation Council, Inc., v. Department of Natural Resources*, 470 P.3d 129, 145 (Alaska 2020) ("The case is REMANDED so the superior court can fashion a remedy consistent with this opinion and reconsider the prevailing party designation.").

<sup>7</sup> If the sale falls through, Defendants indicate that they will notify this Court immediately.

and the matter outside the purview of the Court.<sup>8</sup> SEACC objects to this notion, arguing that “what is missing from the defendants’ proposal is any assurance” that Lot 10 will be managed for wildlife habitat purposes. Thus, SEACC gives consent to the sale itself, but insists on “written acknowledgement” of Lot 10’s management for “Wildlife Habitat” purposes and the continued supervisory role of the Court.<sup>9</sup>

On February 7, 2022 Defendants filed *Corrected Reply in Support of Motion Requesting Court Approval to Begin Negotiated Sale of Lot 10 to DNR*. Defendants argue that SEACC’s first conditional demand is premature, and that DNR anticipated the parties would brief any remaining issues “including DNR’s management obligations regarding Lot 10” after the sale.<sup>10</sup> As to the second demand, Defendants argue that it is unnecessary and that “[n]owhere in the defendants’ motion do they suggest that a negotiated sale will end the litigation or that they no longer believe the Court will have a role.”

The Court grants motion [#49]. The negotiated sale process may commence in accordance with the terms proposed. Additionally, this Court explicitly preserves the issue with regards to Lot 10’s management as a “Wildlife Habitat” to be briefed upon

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<sup>8</sup> SEACC indicates concerns that Defendants implied “this Court may have no role in determining that AMHT’s land sale to ADNR, and the issuance of a quitclaim deed from AMHT and the Trust Land Office to ADNR, will both conclude the process and satisfy the Supreme Court’s mandate on remand.”

<sup>9</sup> Specifically, “that the legislated management requirement of HB 201 requires that Lot 10, once it is in ADNR’s ownership, must be managed for “Wildlife Habitat” purposes unless and until future legislation may be enacted to amend this management requirement of HB 210.”

<sup>10</sup> DNR specifically requests this Court preserve this issue “of whether reclassification of Lot 10 will require additional legislation” and to allow the parties to brief on this issue after DNR has secured title to Lot 10.

the conclusion of the sale.<sup>11</sup> Finally, this Court reiterates that this case is not over, nor is it outside the review and supervision of this Court.

IT IS HEREBY ORDERED:

1. Motions #48 and #49 are GRANTED.
2. The parties should file in writing if hearing time is needed to address any further issues.

SO ORDERED this 2<sup>nd</sup> day of March, 2021, at Anchorage Alaska.

  
UNA S. GANDBHIR  
Superior Court Judge

I certify that on 3/7/22  
a copy of the above was mailed/mailed to  
each of the following at their address  
of record:

  
R. Davis, Judicial Assistant

<sup>11</sup> Thus, the briefing timeline granted with regards to motion #48 does not begin until the sale has been completed.

**Exhibit B  
Parcel Location Map**



**Exhibit A**



**MHT 9101118**

Located in Sec. 18, T. 62 S., R. 74 E. C.R.M.

 Parcel CRM-7047



**Alaska Mental Health Trust Authority**  
**Trust Land Office**  
**Notice under 11 AAC 99.050 of**  
**Decision to issue Negotiated Land Sale – No Name Bay**  
**MHT 9101118**

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 complete a negotiated land sale per the Alaska Superior Court's March 2, 2022 order in *SEACC v. State of Alaska et al*, case no. 3AN-13-09162 Cl. of certain Trust land to the Department of Natural Resources, Division of Mining, Land, and Water. 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 on the east side of Kuiu Island in Southeast Alaska, and is more particularly described as: Lot 10, located within Section 18, Township 62 South, Range 74 East, Copper River Meridian, containing approximately 54.23 acres (MH Parcel CRM-7047).

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, December 4, 2023. 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:

**Jusdi Warner**

Jusdi Warner...

Executive Director

10/31/2023

Date

Published Daily Sitka Sentinel: 11/02/2023