

The Alaska Mental Health Trust Authority
Trust Land Office
BEST INTEREST DECISION AFFIRMED
Decision to Dispose of Trust Parcels through the Land Sale Program

TLO Project 2016-121
MH Parcel(s): Multiple Parcels

Action: Adopt the Best Interest Decision dated February 25, 2016 regarding the above referenced disposal as final, without modification. This decision document, combined with the Best Interest Decision dated February 25, 2016, 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 offer approximately 70 subdivision lots and small-sized parcels through the TLO's Land Sale Program in the Alaska Dispatch News and multiple newspapers starting February 26, 2016, and distributed the notice to other interested public and private parties.

Summary of Comments: The TLO received one timely written comment from the Petersburg Borough (Borough), in multiple parts, regarding the lots to be offered in the proposed subdivisions, Goldeneye and Mallard. When making a decision the Executive Director may only consider issues raised that would affect the best interest of the Alaska Mental Health Trust and its beneficiaries.

Comment: *The TLO did not meet the plat review requirements of the platting authority, the Department of Natural Resources (DNR), by not soliciting written comments regarding utility easements within the subdivisions from utility companies that serve the subdivisions.*

Response: Under 11 AAC 53.630(3), a plat will not be approved, when DNR is the platting authority, unless the subdivider obtains written comments regarding utility easements within the subdivision from utility companies that serve the subdivision. The TLO has met this requirement when the TLO's contractor, DOWL, requested written comments and submitted the subdivisions plat for review to Petersburg Municipal Power & Light (PMP&L) on December 10, 2015 and received written comments back from PMP&L on January 5, 2016.

Comment: *Subdividing without planning for extension of utilities into the subdivision depresses the value of Trust land, which is not in the best interest of Trust beneficiaries.*

Response: After review of PMP&L's and DNR's comments regarding the plats, all lots in the Goldeneye subdivision will have access to a platted utility easement. Lots in the Mallard Subdivision can be served from the existing overhead distribution powerlines.

Comment: The TLO is acting contrary to 11 AAC 99.020(f) by not following every provision of law applicable to other state lands.

Response: The entirety of 11 AAC 99.020(f) states “unless otherwise specified in this chapter, every provision of law applicable to other state land applies to the management of trust land **unless** (emphasis added) its application is determined, in the written finding required by 11 AAC 99.040, to be inconsistent, in whole or in part, with (a) - (c) of this section.” The February 25, 2016 Best Interest Decision addresses the inconsistency determination under Section X, Authorities, subsection B, Inconsistency Determination.

Trust Authority Consultation: The Alaska Mental Health Trust Authority was consulted on this matter on January 27, 2016.

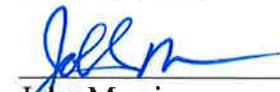
Modifications: No substantive comments were received suggesting that the Best Interest Decision dated February 25, 2016 should be substantively modified in any way to better serve the interest of the Trust and its beneficiaries. The Executive Director has determined that no change shall be made to that 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 February 25, 2016 as final.

Reconsideration: Persons who submitted timely written comments during the notice period that ended March 29, 2016, 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
Executive Director

4-11-16

Date