

# MITKOF HIGHWAY HOMEOWNERS ASSOCIATION

P.O. Box 383 • Petersburg, AK 99833 • 907-772-3480

1 September 2016

John Morrison, Executive Director  
Trust Land Office  
2600 Cordova Street, Suite 100  
Anchorage, AK 99503

Jeff Jessee, Chief Executive Officer  
Alaska Mental Health Trust Authority  
Russ Webb, Chair  
Mary Jane Michael, Vice-Chair  
Larry Norene, Secretary/Treasurer  
Laraine Derr  
Paula Easley  
Jerome Selby  
Carlton Smith  
3745 Community Park Loop, Suite 200  
Anchorage, Alaska 99508

Commissioner Andrew T. Mack,  
Department of Natural Resources  
Office of the Commissioner  
550 W. 7th. Avenue, Suite 1400  
Anchorage, AK 99501

Re: Records Request for 11 August 2016 Alaska Mental Health Trust Authority's Resource Management Committee Meeting and Executive Session and for 24 August 2016 AMHTA Board of Trustees Special Meeting

Dear Messrs. Morrison, Jessee, and Mack:

The Alaska Mental Health Trust's (Trust) timbered hillside parcels in Petersburg and its 2005 timber harvest plans were not contested on aesthetic grounds. Rather the Mitkof Highway Homeowners Association (MHHA) had, since early December 2005, communicated with Trust Board Trustees and Trust Land Office (TLO) personnel our very real public safety concerns, based on four prior landslides, two occurring in 1986 and two in 1988 on the steep slopes above our homes and property, Mitkof Highway (State Highway #7). Those slides had blocked traffic, downed power lines and telephone lines, and one had even forced emergency personnel to climb across slide debris to evacuate an apparent heart attack victim.

Since the TLO presented their timber harvest plan in Petersburg on 12 December 2005, there have been **five additional landslides**, threshold events occurring on these steep and unstable slopes, in their natural state from 2009 to 2011.

On 5 December 2005, then TLO senior resource manager Doug Campbell called the MHHA requesting that we terminate our research efforts relating to timber harvests on steep and unstable slopes, and instead contact the US Forest Service (Forest Service), specifically then Petersburg District Ranger Patti Grantham and Deputy Chris Savage, to start a land exchange. Then Tongass Forest Supervisor Forrest Cole progressed the concept of a land exchange with numerous TLO executive directors and resource managers as early as August 2006 that included the 2600 acres in Petersburg above Mitkof Highway, as well as Trust parcels in Ketchikan and elsewhere.

Since December 2005, the MHHA supported the exchange of the Trust's Petersburg hillside parcels, knowing firsthand the instability of these slopes. During 2006, the MHHA gained increased support for the Petersburg land exchange, including Petersburg's elected officials, Governor Sarah Palin, the Alaska delegation (Senators Lisa Murkowski and Ted Stevens, and Representative Don Young), and SEACC in June 2007.

Following actions by the Board Trustees and TLO on 24 August 2016, in affirming the Motion to Proceed written by TLO staff in its Consultation documents, Item A (Petersburg) and Item B (Ketchikan), both dated 11 August 2016, this letter serves as our request for materials under the various State of Alaska statutes for copies of public records generated by the Alaska Mental Health Trust Authority Board and Trust Land Office, and includes:

1. Certified and complete copies of both (1) the audio recording(s) and (2) the Trust's professional transcription service meeting minutes for the Regular meeting, and Executive Session, on 11 August 2016.
2. All handouts related to the "consultation" for the negotiated timber sales (P-1 Timber Sale - MHT 9100855 - Item A; and K-3 Timber Sale - MHT 9100854 - Item B) for the 11 August 2016 meeting provided to meeting attendees, e.g., Trust Resource Management Committee members and/or Trust staff, including but not limited to John Morrison, Jeff Jessee, Paul Slenkamp, et al.
3. All pre-meeting and post-meeting emails on Trust and/or private/personal email accounts, letters, memos, faxes, Post-its, or any other correspondence relating to the 11 August 2016 meeting, including the Executive Session; specifically pertaining to the "consultation" leading to the decision by the Resource Management Committee to affirm the TLO's motion to end its attempts at an administrative land exchange, and instead, opt only for passage of Senator Lisa Murkowski's Senate Bill 3006 (S3006) by 15 January 2017, and pending the failure of S3006, enter into a negotiated timber sale (MHT 9100855) on the Trust's Petersburg Mitkof Highway hillside parcels, and (MHT 9100854) the Trust's Deer Mountain in Ketchikan.
4. Complete audio recording(s) and the Trust's professional transcription service meeting minutes for the Board of Trustees Special meeting held on 24 August 2016.
5. All handouts for the 24 August 2016 meeting provided to the meeting attendees, e.g., Trust Resource Management Committee members and/or staff, including but not limited to John Morrison, Jeff Jessee, Paul Slenkamp, et al.
6. All pre-meeting and post-meeting emails on Trust and/or private/personal email accounts, letters, memos, faxes, Post-its, or any other correspondence relating to the 24 August 2016 Board of Trustee Special meeting, including but not limited to the posting of public notice that the Special Meeting was being held, and topics to be discussed.
7. All documentation pertaining to the analysis by TLO staff that:

a. “it is critical to bring Trust timber to market within the 2 to 3-year time frame because of the lack of timber supply from the USFS, University, and State timber sales.” (*see* TLO Consultation documents, Page 2, paragraph 2, dated 11 August 2016); and

b. document long-range planning valuation estimates of Trust timber 10-20 years or more when large old growth Sitka Spruce or Western Red Cedar are projected to be virtually unobtainable for harvest, yet highly sought after in specialty markets.

8. Since both Petersburg’s Mitkof Highway hillside and Ketchikan’s Deer Mountain negotiated sales are to be helicopter logged, and helicopters and crews can quickly and easily move between Oregon, Washington State, British Columbia, and Alaska, the viability of helicopter logging operations should not be in question. We therefore request all documentation related to the potential degradation of the timber industry in Southeast Alaska, particularly helicopter operations, and past, current, and future projected valuation of Trust timber resources on Trust parcels at Petersburg’s Mitkof Highway hillside, and Ketchikan’s Deer Mountain.

9. All documentation showing:

a. The rationale for completely dropping the administrative land exchange, as detailed in the September 2012 *Tongass National Forest and Alaska Mental Health Trust Authority Proposed Land Exchange* document between the Trust and Forest Service, and the progress made to date, in favor of a legislative exchange with less than five months as a deadline for S3006 passage as the only alternative to a negotiated timber sale; and

b. The need for such sudden urgency for legislative action when the Trust knows that land exchanges are complicated, and time-consuming (e.g., the 8 August 2012 AMHTA Resource Management Committee Meeting minutes, included “You said the process for the exchange is 3-5 years.”); and

c. TLO long-range planning and scheduling (following the monetization as detailed in the 11 August 2016 Consultation documents of “P-1 Timber Sale - MHT 9100855 - Item A”; and “K-3 Timber Sale MHT 9100854 - Item B”) after completely dropping the administrative exchange, for “monetizing” its remaining timber assets, specifically, \*Douglas Island, \*Meyers Chuck, \*Sitka, and \*Wrangell, and the expected monetary value for each timber harvest (\*parcels originally detailed in the September 2012 *Tongass National Forest and Alaska Mental Health Trust Authority Proposed Land Exchange* document). The 8 August 2012 AMHTA Resource Management Committee Meeting minutes, included: “it’s a package deal”; and “It is an all or nothing thing. ...Yes”.

d. The current estimated appraised value of the Trust’s Petersburg timber assets as detailed in the 11 August 2016 Consultation document, Item A.

10. All documentation showing the process involved in the negotiated timber sales (MHT 9100854, MHT 9100855), how the TLO’s valuation for both the Petersburg and Ketchikan sales were arrived at; when the contracts are expected to be signed; and by which contractor(s).

11. All pertinent documents regarding the TLO’s negotiated timber sales including but not limited to contract signing date if different from the 15 January 2017 deadline.

12. All pertinent contract effective and expiration dates (if any).

13. All document(s) showing how the TLO arrived at its revenue projections of principal \$2,673,250 (up to) and income \$471,522 (up to) as detailed in the Trust’s Petersburg parcels under the Consultation’s Item A, Page 1.

14. All documents detailing what is the projected gross value of the negotiated sale, specifically at the time of signing, and the basis for the evaluation, pertaining to the P-1 Timber Sale - MHT 9100855 - Item A.

15. On 14 May 2007, then Resource Management Committee Chairman Tom Hawkins stated when questioned about the risks of logging the Trust's Petersburg Mitkof Highway hillside parcels, "We studied the reports prepared by consultants on the risks associated with mass wasting of land failure and we consider those to be real and we want to conduct ourselves in a manner that avoids those eventualities." Please provide documentation that refutes Chairman Hawkins' observation of how the risks are "real" and that Trust logging within its Petersburg Mitkof Highway hillside parcels, a recognized inhabited landslide hazard area, poses no potential risks either to the public, or to the Trust corpus through any future litigation that may result from harm arising from slide activity after Trust logging.

16. The Trust Bylaws, specifically Article V-Meetings state reasonable public notice of Trust Authority and Committee meetings shall be provided in accordance with AS 44.62.310. Meetings of the Trust Authority and its Committees are subject to the Open Meetings Act, AS 44.62.310 and 44.62.312. AS 44.62.310(a) states: "The vote at a meeting held by teleconference shall be taken by roll call." Please advise if a roll call vote was taken at the Resource Management Committee meeting of 11 August 2016, and the 24 August 2016 Board of Trustees Special Meeting on the motions approving the timber sales in either Petersburg and/or Ketchikan. If so, please provide the audio and documented results of such a roll call vote.

This public records request is intended to yield all documentation, including but not limited to email correspondence to or from Board of Trustee members and/or staff, that addresses:

a. Whether, on or before 11 August 2016, Board of Trustee members and/or staff knew or should have known that discussion of timber sales in Petersburg and Ketchikan would be on the agenda despite the apparent lack of readily available information about those subjects being accessible to the public;

b. Whether there was an effort on the part of one or more Trust Board of Trustee members and/or staff or TLO personnel to deliberately conceal from the public such information about intended agenda items for the 11 August 2016 meeting; and

c. Whether Board of Trustee Members and/or staff knew or should have known that the Mitkof Highway corridor is located below demonstrably unstable Trust hillside parcels mapped (*see* Page 6) as an "inhabited landslide hazard area" by the Alaska Board of Forestry's Landslide Science & Technical Committee, whose findings should be known by the Trust Land Office. The US Forest Service's orthophotographic map (*see* Page 7) was provided to the MHHA on 31 December 2005, through a Freedom of Information Act (FOIA) request, and details the soil makeup of the Trust's Petersburg timbered hillside parcels. The map legend details the presence of "landslide hazard soils", depicted in muted purplish pink, present across the Trust's Petersburg hillside parcels, from 3-Mile to 7-Mile above Mitkof Highway. The MHHA plotted the inhabited areas including residential with yellow dots, and proposed homesites with green dots. Doug Campbell provided the MHHA with the aliquot parts that identify the Trust's hillside timber sale parcels — above our homes, the Tyee hydroelectric utility corridor, and Mitkof Highway— DOT's 2014 recorded average daily traffic volume from Scow Bay heading south was 814 vehicles transiting beneath the Trust's steep hillside parcels contrasted to an average daily traffic flow of 652 vehicles in 2005. DOT's 2015 traffic volume data is not yet available. Our request includes any documentation or discussion detailing how logging a known inhabited landslide hazard area would not pose an increased risk to the public or the Trust corpus if a member of the public were harmed by future slide activity.

A TLO senior resource manager was present and fully involved in the discussions as the TLO's resource manager during Board of Forestry meetings where the S&TC findings were discussed. The TLO knows or should have known the risks to the public and the Trust corpus from TLO timber harvests within

known inhabited landslide hazard areas and has the duty as a TLO resource manager to inform Trustees of all known or potential risks to the Trust and its corpus. Foresters know that within 3-5 years following timber harvest, tree roots die and no longer support slopes, thereby increasing the potential for soil mass movement (logging, including selective helicopter logging, increases the risk of landslides).

Potential risks to the corpus could include litigation as a result of harm to a member of the public, or property, due to the further destabilization of already demonstrably unstable steep slopes by TLO timber harvest, in a mapped inhabited landslide hazard area on the Trust's Petersburg hillside parcels. Both the Trustees and the TLO have knowledge prior to logging that the parcels are wholly contained within mapped landslide hazard areas.

These public records are necessary for us to ascertain how the Trust could transition from the ongoing and forward-moving AMHTA-US Forest Service administrative land exchange process to suddenly imposing a 15 January 2017 deadline related to Senator Lisa Murkowski's S3006; even though the 114th U.S. Congress has not yet passed the bill out of committee, nor obtained approval by the U.S. Secretary of Agriculture, or President. That deadline was not part of the signed 4 September 2012 *Tongass National Forest and Alaska Mental Health Trust Authority Proposed Land Exchange* document, nor stipulated in the signed 30 June 2015 Agreement to Initiate between the AMHTA and US Forest Service. Because the Trust's Petersburg hillside parcels have been mapped as inhabited landslide hazard areas by the Alaska Board of Forestry's Landslide Science & Technical Committee (S&TC) [*see* Scoping on Page 6], which clearly indicates a risk to public safety, if not the Trust corpus, we request a waiver of any fees.

Thank you in advance for your consideration of the Mitkof Highway Homeowners Association's public records requests. Please mail the above requested materials detailed in this letter to:

Suzanne Wood, Co-Founder  
Mitkof Highway Homeowners Association  
P.O. 383  
Petersburg, AK 99833-0383

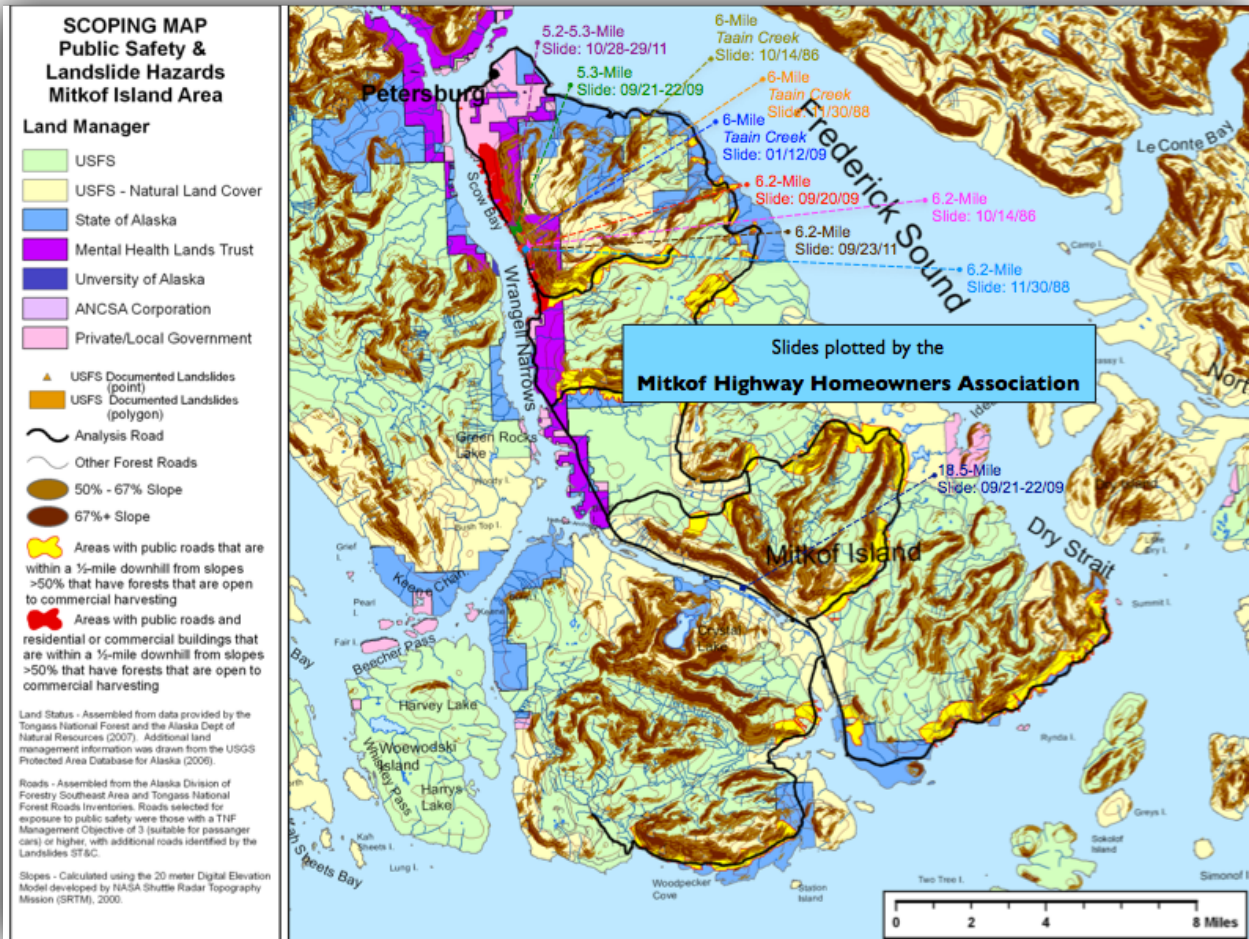
MITKOF HIGHWAY HOMEOWNERS ASSOCIATION

/s/

Suzanne Wood, Co-Founder

Attachments (2)

ec: Governor Bill Walker  
Lieutenant Governor Byron Mallott  
Jahna Lindemuth, Attorney General  
Stephen Giesbrecht, Petersburg Borough Manager  
Mark Jensen, Petersburg Borough Mayor  
Petersburg Borough Assembly  
Jonathan Kreiss-Tomkins, State Legislator  
Bert Stedman, State Legislator  
Joe Viechnicki, KFSK Community Radio  
Ron Loesch, *Petersburg Pilot*  
Bob Weinstein, Co-Founder of Save Deer Mountain  
Kristen P. Miller, Esq., Simpson, Tillinghast, Sorensen & Sheehan, PC



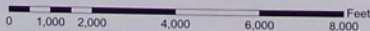


This map is the property of  
**MITKOF  
 HIGHWAY  
 HOMEOWNERS  
 ASSOCIATION**



**Legend**

- Landslide Hazard Soils
- Tongass NF
- Previous Timber Harvest
- Streams
- sections arc



**MHHA Legend**

- Mental Health Trust - parcel clear cuts  
Planning Department District 300 Area, April 2014/2015  
 District 300 Area/2015 Update, 10/20/2015, 10/20/2015
- Mental Health Trust - parcel boundary  
Planning Department District 300 Area, April 2014/2015  
 District 300 Area/2015 Update, 10/20/2015, 10/20/2015
- Existing Homes - Mikof corridor
- Existing Mobile Home Parks - Mikof corridor
- Existing Businesses - Mikof Highway
- Future New Homes - Mikof Highway
- Future City Power Plant - Mikof Highway
- Slides/Mikof Highway - surveyed/filmed
- Uphill Slides - surveyed/filmed
- Uphill Slides - need survey/filming