

No Name Bay – A Gem Worth Saving

***Synopsis:** The State of Alaska has violated a court-approved 1994 land agreement with SEACC to refrain from designating No Name Bay as Mental Health Trust Land, and to manage the bay in state ownership for “wildlife habitat purposes.” SEACC is suing the State to enforce the agreement and guarantee the State of Alaska lives up to its word.*

In 1991, SEACC and other groups intervened in the *Weiss* litigation to challenge successfully the Alaska Legislature’s first attempt to reconstitute the Mental Health Trust. By 1994, SEACC and the State had agreed on what state lands in Southeast Alaska should be conveyed to the Mental Health Trust for development. The State committed not to designate No Name Bay as Mental Health Trust land but to classify and manage it for “wildlife habitat purposes.” In exchange, SEACC supported the historic settlement, which conveyed nearly a million acres of state land to the Trust and ended 12 years of litigation between the State and mental health beneficiaries. After the legislature adopted the statutory settlement, the Court approved the entire agreement, including the land lists, and dismissed the *Weiss* lawsuit. In the eighteen years that followed, DNR managed all the land parcels in accordance with the agreement, protecting No Name Bay from development and natural resource extraction while allowing the Trust to generate revenues from its lands.

Sometime before 2009, the State of Alaska, DNR and Mental Health Trust began taking actions that conflicted with their obligations under the *Weiss* lands agreement and violated the statute enacted by the 1994 Alaska Legislature that incorporated the lands agreement. Without any public notice, the State asked the federal Bureau of Land Management (BLM) to change the existing National Forest community grant selection for No Name Bay and convey that land to the State as a Mental Health Trust land entitlement. Once BLM deeded title to No Name Bay to the State, DNR conveyed it to the Mental Health Trust and put it at risk of being clearcut, instead of managed for wildlife habitat purposes.

In April of 2012, SEACC learned of the State and Mental Health Trust’s sleight-of-hand, while working in good faith with DNR, the Mental Health Trust, and Forest Service to identify potential Tongass National Forest lands for a value-for-value exchange of Trust parcels. These Trust parcels possess high community use values, including public safety and municipal drinking water supplies. Until then, no one knew that DNR had put No Name Bay on the chopping block by conveying it to the Mental Health Trust. DNR rejected SEACC’s request that it live up to its word under the lands agreement.

On September 3, 2013, the Southeast Alaska Conservation Council (SEACC) filed a complaint in state Superior Court against the State of Alaska, Department of Natural Resources (DNR), and the Alaska Mental Health Trust Authority (Mental Health Trust). Our purpose was to force the State to manage the 3,400 acres selected by the State at No Name Bay for wildlife habitat protection as agreed. The bay, situated within the Tongass National Forest on the east coast of Kuiu Island, provides key habitat for a multitude of wildlife including deer, otter, marten, salmon, as well as healthy populations of wolf and black bear. Thomas Meacham, an attorney from Anchorage, Alaska represents SEACC in this matter.

No Name Bay is special to SEACC and our members because of the variety of old-growth dependent wildlife it supports, including deer, otter, marten, as well as healthy populations of wolf and black bear. At least five anadromous fish streams flow into No Name Bay, supporting pink and chum salmon and cutthroat trout. The bay is also habitat for a wide range of migratory waterfowl. As one of the few ice-free harbors in this area, it serves as a safe point of access to Kuiu Island for nearby Alaskans for hunting, fishing, and recreation.

