STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER

Extension Decision

ProComm Alaska, LLC
ADL 218666
AS 38.05.070(b)

Decision to Extend Lease:

ProComm Alaska, LLC has applied to the Department of Natural Resources (DNR), Division of Mining, Land & Water (DMLW), Southcentral Regional Land Office (SCRO) to renew a current 10-year land lease, ADL 218666, for 2 acres, more or less, of state land located near Wasilla, Alaska. The lease is set to expire on May 31, 2019. DMLW has made the decision to extend the lease for a maximum of two years pursuant to Alaska Statute AS 38.05.070(f) Generally, to allow DMLW to consider the lease renewal application.

Scope of Review:

The scope of this decision is to determine if it is in the State's best interest to extend the lease ADL 218666 (Figure 1) to ProComm Alaska, LLC for a period of two years to allow time for a determination to be made regarding ProComm Alaska, LLC's application for a 10-year renewal lease pursuant to AS 38.05.070(e). The lease extension will provide DMLW time to consider lease renewal.

Authority:

This lease extension is being adjudicated pursuant to AS 38.05.070(f) and (g) Generally, which allows for a lease to be extended once for a period up to two years while DMLW considers a lessee preference application under AS 38.05.102 or to renew the lease under AS 38.05.070(e).

Administrative Record:

Casefile ADL 218666 constitutes the administrative record for ProComm Alaska, LLC's lease extension.

Legal Description, Location, and Geographical Features:

The state land where this proposed lease is located is described as follows:

- **Legal description:** Within the S 1/2 of Section 22, Township 19 North, Range 1 West, Seward Meridian
- **Geographical location:** Approximately 10 miles North of Wasilla, Alaska
- **Approximate Lat/Long:** Latitude 61° 43' 18" N, longitude 149° 25' 31" W
- **Area geographical features:** Located at an elevation of approximately 4,300 feet atop a small outcrop of large bedrock with shale and small pockets of soil and minimal vegetation
- **Existing surveys:** None
- **Municipality/Borough:** Matanuska Susitna Borough
- **Native Corporations/Federally Recognized Tribes:** Cook Inlet Region, Incorporated (CIRI)
- **Size:** 2 acres, more or less

Figure 1: Location of ADL 218666

Title:
A DNR title report (RPT-11562) issued on February 19, 2019 attests that the State of Alaska holds fee title to the lands encompassed by ADL 218666 under Tentative Approval dated March 3, 1964.

Third Party Interests:
There are no known third party interests.

Access:
The leasehold is accessed via helicopter or via a public use trail from Hatcher Pass Road.

Lease Extension Discussion:
ADL 218666 was originally issued to Motorola Communications and Electronics, Inc. on May 13, 1988 for a term of 10-years, expiring on May 12, 1998. The lease was renewed and issued to Motorola Incorporated on May 13, 1998 for a term of 10-years, expiring on May 12, 2008. On June 28, 2000, the lease was amended and assigned from Motorola Incorporated to Arctic Slope Regional Corporation. On December 28, 2006, the lease was amended and assigned from Arctic Slope Regional Corporation to the current lessee, ProComm Alaska, LLC. The lease was renewed and issued to ProComm Alaska, LLC on June 1, 2009.

Infrastructure at the leasehold currently consists of: an 8-foot by 15-foot skid mounted, temporary communication building; an 8-foot by 20-foot skid mounted conex; two 1000-gallon, dual walled, skid mounted diesel tanks; and antennas that are pole mounted to the structures. The 8-foot by 20-foot building houses a generator system while the 8-foot by 15-foot building houses transmission equipment. Power to the site is provided by the generator system which is fueled by diesel.

On June 28, 2018, ProComm Alaska, LLC submitted an Application for Lease of State Land in order to renew their current lease. A two-year extension will allow the necessary time for SCRO to adjudicate the lease application and consider the renewal of the lease. The extended lease will be subject to the existing original lease provisions, with the only change being extension of the expiration date for a further two years.

Lease Performance Guaranty (bonding):
In accordance with the terms of the original lease, this lease extension will require a performance guaranty in the amount of $14,000.00. ProComm Alaska, LLC provided this performance guaranty on May 10, 2009.

Insurance:
In accordance with the terms of the original lease, the lessee will be required to carry liability insurance for this lease extension. Proof of insurance must be provided on a yearly basis.

Annual Fee:
The annual fee for the lease shall continue to be $1,070.00.

Public Notice:
Pursuant to AS 38.05.070(g), the department shall provide public notice of the extension decision. Public notice describing this action will be posted on the State of Alaska Online Public Notice System for 30 days.

Signature page follows

Recommendation:

It has been determined that a lease extension for a term of two years is in the best interest of the State. Issuance of the lease extension for a limited term will allow for ProComm Alaska, LLC's continued use of state land while a determination is made regarding a lease renewal. Further, it will allow the lessee and the lessor to continue a lease agreement without a lapse in authorization.

Stefania Kristjansson 4-23-19

Stefania Kristjansson, Natural Resource Specialist I Date

Extension Decision:

The casefile has been found to be complete and the requirements of all applicable statutes have been satisfied. It is recommended that DNR extend this lease for a term of two years as shown in Attachment A. I find that it is in the best interest of the State to proceed with the lease extension pursuant to AS 38.05.070(f) as recommended above and provide public notice pursuant to AS 38.05.070(g).

4-23-19

Clark Cox, Regional Manager Date
Southcentral Regional Land Office

Attachment A – Lease Extension

Appeal:

A person affected by this decision may appeal it in accordance with 11 AAC 02. Any appeal must be received within 20 calendar days after the date of "issuance" of this decision, as defined in 11 AAC 02.040(c) and (d) and may be mailed or delivered to the Commissioner, Department of Natural Resources, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to 1-(907) 269-8918, or sent by electronic mail to dnr.appeals@alaska.gov. Under 11 AAC 02.030, appeals and requests for reconsideration filed under 11 AAC 02 must be accompanied by the fee established in 11 AAC 05.160(d)(1)(F)which has been set at $200 under the provisions of 11 AAC 05.160 (a) and (b).

If no appeal is filed by the appeal deadline, this decision becomes a final administrative order and decision of the department on the 31st calendar day after issuance. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to the Superior Court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.

Attachment A
Lease Extension

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER
550 W. 7th Ave., Suite 900C
Anchorage, Alaska 99501-3577

Extension to Lease Agreement

ADL 218666
AS 38.05.070(b)

This Extension to Lease Agreement is between the State of Alaska, Department of Natural Resources, by and through the Division of Mining, Land & Water ("Lessor"), whose address is 550 West 7th Avenue, Anchorage Alaska 99501, and ProComm Alaska, LLC ("Lessee"), whose address is 2100 E 63rd Avenue, Anchorage, Alaska 99507, who agree as follows:

> The term of this Lease Agreement is hereby extended for two years. The new expiration date for the ADL 218666 Lease Agreement is 12 o'clock midnight on the 30th day of May 2021; and
>
> All other terms and conditions of the Lease Agreement, including subsequent amendments, if any, remain as originally written. By signing this Extension to Lease Agreement, the Lessor and the Lessee agree to continue to be bound by the Lease Agreement provisions and this Extension.

This extension of lease is made with reference to the following facts and objective:

The ADL 218666 lease was originally issued to ProComm Alaska, LLC on June 1, 2009 for a term of 10-years. Page 1 of the lease identifies the expiration date of the lease as "ending at 12 o'clock midnight on the 31st day of May 2019, unless sooner terminated";

The ADL 218666 Lease Agreement was recorded in the Palmer Recording District as document number 2009-017260-0.

The objective of this extension is to provide DMLW time to consider ProComm Alaska, LLC's Application to renew the lease under AS 38.05.070(e).

Attachment A
Lease Extension

LESSEE:

_____

ProComm Alaska, LLC, Lessee Date

STATE OF ALASKA)
)ss
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by _____, _____ of ProComm Alaska, LLC, an Alaska limited liability company,
(Name) (Title)
on behalf of the company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, on the day and year shown.

_____
Notary Public in and for the State of Alaska
My commission expires: _____

Attachment A
Lease Extension

LESSOR:
STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES

_____

Clark Cox, Regional Manager — Date
Southcentral Regional Land Office

STATE OF ALASKA)
)ss
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by Clark Cox, Regional Manager, Southcentral Regional Land Office of the Division of Mining, Land and Water, Department of Natural Resources of the State of Alaska.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, on the day and year shown.

_____
Notary Public in and for the State of Alaska
My commission expires: _____

RETURN RECORDED DOCUMENT TO:

Stefania Kristjansson
Department of Natural Resources
Division of Mining, Land and Water
550 W. 7th Ave., Suite 900C
Anchorage, AK 99501-3577