

MEMORANDUM

Department of Natural Resources

State of Alaska

Division of Mining, Land & Water
Southcentral Region

TO: Marty Parsons, DMLW Director

DATE: 6/7/2019

THRU: Clark Cox, Regional Manager (NRM III) *for*
Sam Carroll, Easements (NRM II) *6/7/19*
James Sowerwine, Easements (NRM I)
Carol Hasburgh, Easements (NRS III)

FILE: ADL 233247

FROM: Sarah Brandt, Easements (NRS II)

PHONE: 269-0029

SUBJECT: SCRO has received a request for fee waivers under AS 38.05.850(b)

Matanuska Telephone Association, Inc. has requested a waiver of all land use fees in accordance with AS 38.05.850(b)¹ for a proposed public utility easement (ADL 233247) in Big Lake, near Wasilla, AK. The project meets the first two requirements of the statute in that the applicant is a qualifying nonprofit cooperative association and the purpose of the easement is to provide utility service to its members; the statutory authority under AS 38.05.850(b) is delegated to the DMLW Director.

SCRO advises that the requested waiver not be considered to be in the interest of the State. While the State supports the development of infrastructure that serves the public, such as the proposed submerged telecommunication line to be installed under ADL 233247, this support is reflected in the low one-time fee charged for public utility easements under 11 AAC 05.070(d)(2)(C)². The one-time and interim³ land use fees are in the best interest of the State as they offset some of the administrative costs of DMLW to issue the easements and manage future use. Therefore, we recommend that the waiver not be considered to be in the interest of the State.

Signature of concurrence on this memo will deny the fee waiver request. If approved, this memorandum will be incorporated by reference into the Regional Manager's Decision (RMD) for the easement, issued under AS 38.05.850(a). The RMD will be the Division's appealable record of decision for the consideration of this waiver request.

☒ I concur

☐ I do not concur

Marty Parsons
Marty Parsons, Director

6/12/19
Date

DNR Division of Mining, Land and Water

¹AS 38.05.850(b): "the fee charged for a right-of-way approved under (a) of this section shall be waived by the commissioner if the right-of-way is for a transmission or distribution line established by a nonprofit cooperative association organized under AS 10.25 for the purpose of supplying electric energy and power, or telephone service, to its members, and the waiver is considered by the commissioner to be in the best interests of the state."

²11 AAC 05.070(d)(2)(C): "Public easement for a utility; a one-time fee, each linear foot, \$0.56".

³11 AAC 05.70(d)(2)(I): "Entry authorization into an applicable approved easement for site development for public easement for a non-exclusive use; for up to two acres; \$240"