

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

Northern Regional Office

Lease Renewal Decision

ADL 415299 West Remote 4

United States Air Force Communication Site
Public & Charitable Non-competitive Lease
AS 38.05.810(a)

Decision to Renew Lease

The United States Air Force (USAF) and Real Estate Division, Acquisition Branch has applied to the Alaska Department of Natural Resources (DNR), Division of Mining Land and Water (DMLW), to renew a current long-term lease for a communication site between Healy and Delta Junction in the Alaska Range. The lease will expire on July 14, 2021. DMLW has made the decision to renew the lease for an additional term of 25 years. An Entry Authorization (EA) will be issued prior to lease issuance to provide continued use of the parcel while requirements are met related to submitting an updated development plan, and a complete environmental risk questionnaire.

Scope of Decision

The scope of this decision is to determine if it is in the State's best interest to renew lease ADL 415299 for an additional twenty-five-year term.

Authority

This lease is being adjudicated pursuant to AS 38.05.810(a), public and charitable authorizations.

This lease renewal is being adjudicated pursuant to AS 38.05.070(e), which allows the Director to renew the lease once for a term not longer than the original term of the lease.

The authority to execute the lease renewal decision, the lease, and the entry authorization has been delegated to the Regional Managers of DMLW.

Administrative Record

The administrative record for the proposed action consists of the Constitution of the State of Alaska, the Alaska Land Act as amended, applicable statutes and regulations reference herein, the 2015 Eastern Tanana Area Plan and other classification reference described herein, and the casefile for the application serialized by DNR as ADL 415299.

Location Information

Geographic Location

East of Healy and West of Delta in the Alaska Range. On Baker Ridge East of Tatlanika Creek and 3 miles Northwest of Mystic Mountain, as shown in Attachment A.

Legal Description

A tract of land within the SW1/4NE1/4SW1/4 of Section 33, Township 10 South, Range 2 West, Fairbanks Meridian, Alaska being within the Nenana Recording District, Fourth Judicial District, State of Alaska, and more particularly as follows:

Alaska State Land Survey No. 94-107, recorded on March 20, 1996, as Plat No. 96-4, containing one acre, more or less.

Other Location Information

Borough/Municipality: The site is located within the Denali Borough, no borough lands are impacted.

Regional/Village Corporation: The lease tract is within the Doyon Limited Regional Corporation, though no corporation lands are involved.

Title

The State of Alaska received Tentative Approval of its patent application under General Grant Selection GS 2202, on August 22, 1974. Standard reservations for ditches and canals apply.

Adjacent Landowners

The lease parcel is in a remote area and is not adjacent to other landowners.

Third Party Interests

There is a mining claim, ADL 624142, underlying the communication site. The claim holder will be notified during adjudication of the lease renewal.

Planning and Classification

The site is within the Fort Wainwright Military Reservation in the Yukon Tanana Area Plan (YTAP), adopted January 3, 2014. The site is specifically located within unit P-50 under YTAP. This unit is designated for Minerals and Wildlife Habitat.

Minerals designated lands are “considered to have mineral potential and for which mining is considered to be an appropriate use....” (YTAP p. 3-7). Habitat designated lands are “intended to remain in state ownership,” and are “to be maintained in an undisturbed, natural state....” (p. 3-6). Exceptions are noted under YTAP for “improvements related to public health, safety, habitat restoration or rehabilitation, and public recreation.” (p. 3-6).

The management intent for unit P-50 is for “its mineral values and resources and for its important caribou and moose habitats.” (p. 3-107). It is also noted that “Dall sheep mineral licks are distributed throughout the unit.” (P. 3-107). Per the management intent for P-50, Alaska Department of Fish & Game and DNR, Office of History and Archaeology should be consulted before a long term or permanent authorization is issued. (p. 3-107).

Renewal of the lease is consistent with YTAP, as it meets the safety exception for developing habitat classified lands as part of the USAF communication system within the Yukon Military Training area.

Traditional Use Finding

The proposed site is located within the Denali Borough. Pursuant to AS 38.05.830 a traditional use finding is not required.

Access

Legal and physical access is via helicopter.

Access Along Navigable and Public Waters

The proposed lease does not require reservation of public access along navigable and public waters pursuant to AS 38.05.126(a).

Public Trust Doctrine

The Public Trust doctrine does not apply to the proposed lease because there are no public or navigable waters associated with this lease.

Reservation of Mineral Estate

In accordance with section 6(i) of the Alaska Statehood Act and AS 38.05.125, the state, in this decision, reserves unto itself the mineral estate, including oil and gas, and the rights expressed in the reservation clause of the statute, that being the right to reasonable access to the surface for purposes of exploring for, developing and producing the reserved mineral resources. Exploration and development, if any, which could occur, would be consistent with AS 38.05.130 and other applicable statutes and regulations.

Mineral Orders

The leasehold does not fall within an area delineated in an Administrative Mineral Closing Order (MCO). A MCO is not necessary for this proposed leasehold.

Hazardous Materials and Potential Contaminants

Site inspections have not been conducted at the site and USAF has not submitted the requested Environmental Risk Questionnaire. DNR will continue to work with USAF to identify and resolve any issues related to hazardous materials.

The use and storage of all hazardous substances must be done in accordance with existing federal, state, and local laws. Debris (such as soil) contaminated with used motor oil, solvents, or other chemicals may be classified as a hazardous substance, and must be removed from the leasehold and disposed of in accordance with state and federal law.

If there is a discharge, USAF is required to immediately notify the Department of Environmental Conservation (DEC) and DNR of any unauthorized discharge of oil to water, any discharge of hazardous substances (other than oil), and any discharge of oil greater than 55 gallons on land. All fires and explosions must also be reported immediately.

If a discharge, including a cumulative discharge, of oil is greater than 10 gallons but less than 55 gallons, or a discharge of oil greater than 55 gallons is made to an impermeable secondary containment area, the USAF is required to report the discharge within 48 hours. Any discharge of oil greater than one gallon up to 10 gallons, including a cumulative discharge, solely to land, must be reported in writing on a monthly basis.

Notification of discharge during normal business hours must be made to the nearest DEC Area Response Team: Anchorage (907) 269-3063, fax (907) 269-7648; Fairbanks (907) 451-2739, fax (907) 451-2362; Juneau (907) 465-5340, fax (907) 465-5245. For discharges in state offshore waters call (907) 269-0667. The DEC oil spill report number outside normal business hours is (800) 478-9300.

Notification of discharge must also be made to the appropriate DNR Office, preferably by e-mail to dnr.nro.spill@alaska.gov. In addition, the report can be made to (907) 451-2739. The USAF is also required to supply DNR with all incident reports submitted to DEC.

Performance Guaranty

The renewal will remain consistent with the current authorization, which does not require a performance guaranty.

Insurance

The renewal will remain consistent with the current authorization, which does not require insurance.

Survey

The site was surveyed as Alaska State Land Survey No. 94-107 recorded in the Fairbanks Recording District, Fourth Judicial District, State of Alaska on March 20, 1996, as Plat No. 96-4.

Compensation and Appraisal

Under 11 AAC 05.020(b), fees are waived for other federal, state, or municipal agencies. The proposed leasehold is located off the road system, has no public utilities, and qualifies under 11 AAC 05.020(b); therefore, there are no fees.

Entry Authorization (EA)

DMLW will issue an EA for a term of 3 years to authorize continued use of the site while the applicant completes the required documentation to be submitted to DNR, including the development plan and Environmental Risk Questionnaire. The term of the EA is included in the term of the lease.

Subleases

As this lease is authorized under AS 38.05.810(a) for public and charitable use, the lessee may only sublease to another qualified entity under AS 38.05.810(a). All potential subleases must first be approved in writing by DMLW. DMLW may conduct further agency review and/or public notice before making a determination on the appropriateness of the proposed sublease. The sublease fee will not be less than 25% of the annual fee paid to the lessee by the sublessee.

Reclamation

In accordance with AS 38.05.090, the leasehold must be restored to a “good and marketable condition” within 120 days after termination of the lease.

Agency Review

An agency review for the lease renewal was conducted from July 12, 2019 through August 12, 2019. The deadline for agency comments was August 12, 2019.

The following agencies were included in the review:

DNR DMLW Permits and Easements

DNR Office of History and Archeology/State Historic Preservation Office

DNR DMLW Mining

DNR Division of Forestry

Department of Environmental Conservation (DEC)

Department of Fish and Game (ADF&G) - Habitat

ADF&G - Wildlife Conservation

Agency Review Comment and Response

Comment Received

ADF&G has no concerns currently with the lease sites.

DNR Response

Comment noted.

No other agency comments were received.

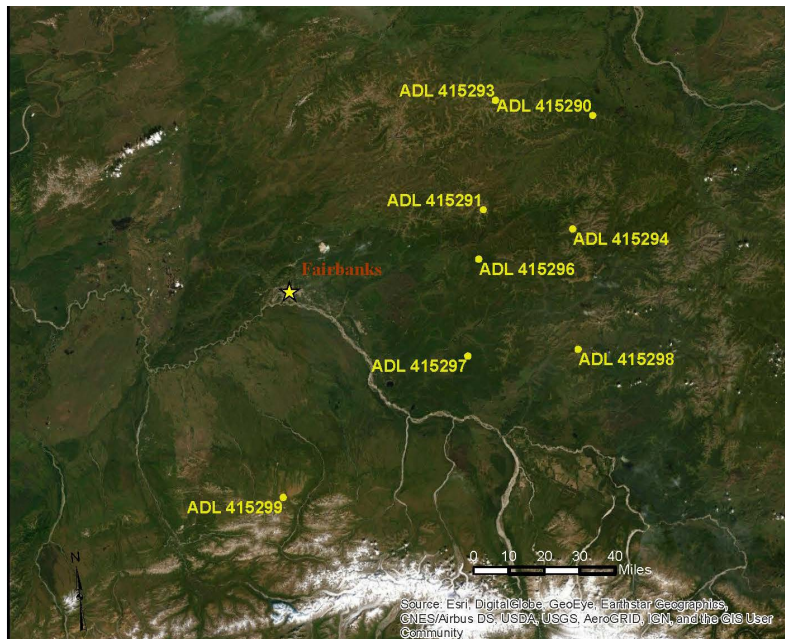
Public Review

Pursuant to AS 38.05.070(e), the department will provide public notice of the renewal decision.

Public notice will be posted on the Alaska Online Public Notice System for 30 days.

Background

On July 15, 1994, DNR, DMLW issued nine 25-year public and charitable leases for communication sites to the USAF. The sites are located on remote hilltops in the vicinity of Eielson Air Force Base and the Yukon Military Operations Areas in Interior Alaska. The purpose of the communication site is to support the Air Force's fighter pilot training known as the Yukon Measurement and Debriefing System. The location of the nine sites is shown below:



Discussion

USAF applied to renew the current long-term lease for a remote communication site between Healy and Delta Junction in the Alaska Range. The lease was extended for two years in 2019 and

will expire on July 15, 2021. DMLW has made the decision to renew the lease for an additional term of 25 years. An Entry Authorization (EA) will be issued prior to lease issuance to provide for continued use of the parcel while requirements related to submitting an updated development plan and Environmental Risk Questionnaire. The EA incorporates by reference DMLW's standard Lease and Lease Additional Stipulations documents. The unsigned EA accompanies this decision.

Agency review was conducted for the lease application from July 12, 2019 through August 12, 2019. The comments and DMLW response are provided above in the Agency Review section of this decision.

The USAF continues to rely on this communication site to support the Air Force's fighter pilot training program known as the Yukon Measurement and Debriefing System. Due to the activities supported by the communications site, it is in the State's interest to issue the lease renewal. The renewal will provide USAF with the ability to continue with their communication site operations under AS 38.05.070(e), which allows a one-time lease renewal if it is determined to be in the interest of the State.

Development Plan

The USAF has not submitted an updated development plan since 1994. The renewal decision and EA will provide USAF time to complete the requirements and renew the lease for an additional 25-year term.

The DP will need to be updated throughout the life of the lease as activities and/or infrastructure are added or subtracted. All updates must be approved, in writing, by DMLW before any construction, deconstruction, replacement of infrastructure, or change in activity will be authorized. DMLW reserves the right to require additional agency review and/or public notice for changes that are deemed by DMLW to be beyond the scope of this decision.

Recommendation

It has been determined that a one-time lease renewal for twenty-five years is in the interest of the State. In consideration of all the information and facts listed above, a lease renewal is consistent with the overall classification and management intent for this land and would be a benefit to the State of Alaska. It is therefore recommended that DNR grant a one-time lease renewal with a twenty-five-year term to USAF DOD.

Nicole Swensgard
Nicole Swensgard
Natural Resource Specialist

7/13/21
Date

Decision

The casefile has been found to be complete and the requirements of all applicable statutes have been satisfied. I find that it is in the interest of the State to proceed with the lease renewal pursuant to AS 38.05.070(e).

Jeanne Proulx
for Jeanne Proulx
Northern Regional Manager

July 13, 2021
Date

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.

Attachments

Attachment A – Location Map

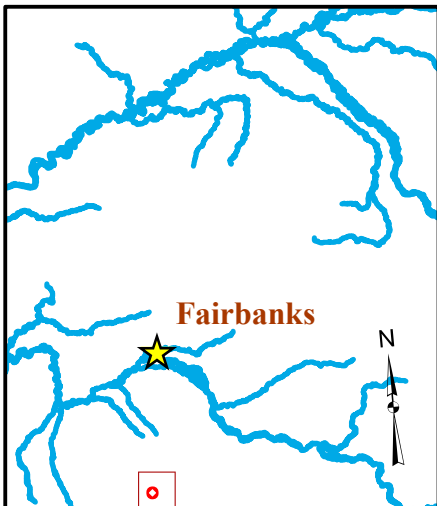
Attachment B - Entry Authorization (unsigned) with attachments:

 Addendum 1 - Lease Agreement (unsigned)


 Addendum 2 - Lease Additional Stipulations

Attachment A

USAF Communication Site West Remote 4



Legend

 ADL 415299 West Remote 4

Located Within:
Township 10 South, Range 2 West,
Section 33, Fairbanks Meridian

Alaska Department of Natural Resources
Northern Region Office
Division of Mining, Land and Water

