

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

# RENEWAL DECISION

**ADL 227512**

**Roland Welker**

**Land Lease**

AS 38.05.070(e) and AS 38.05.070(b)

## **Proposed Action:**

The Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Southcentral Regional Land Office (SCRO) has received a request from Mr. Roland Welker to renew a current lease for 1 acre of land for 10 years located approximately 60 miles south of the village of Crooked Creek, 50 miles southwest of the village of Sleetmute, and 60 miles southeast of the city of Aniak, AK. The location of the project area is further described as being within the SE1/4 of the NE1/4 of Section 16, Township 11 North, Range 50 West, Seward Meridian. Mr. Welker uses this site as a hunting base camp.

## **History:**

This land use authorization has existed since 1999, when Dean Hilde dba Backcountry Alaska Guides and Outfitters was issued a 10-year lease for the purpose of developing a base of operations for his guiding and outfitting business. Mr. Hugh Krank dba Alaska Bush Adventures, LLC, was named as the successor in interest for the lease in 2011. In 2012, Mr. Krank was issued a 5-year land use permit under the same ADL, while an application for a new lease was processed. After a preliminary decision and a final finding and decision were adjudicated in 2014, Mr. Krank was issued a lease in 2015. Mr. Krank later assigned the lease to Mr. Welker on July 31, 2024, at which point a lease renewal application was submitted. Mr. Welker is current and in good standing under Alaska Business License #903126.

## **Existing Infrastructure:**

- (1) 14-foot by 25-foot wooden cabin structure
  - 2-inch by 4-inch frame with plywood exterior covering both sides and roof
  - poured concrete piers foundation
- (1) 4-foot by 4-foot wooden privy
- (1) 1500/2000 watt portable generator

**Lease Renewal Authority:**

In 1999 the original lease had been adjudicated pursuant to AS 38.05.035(b)(1) Delegation of the Powers and Duties of the Director; AS 38.05.035(e) Written Findings; AS 38.05.070(b) Generally; and AS 38.05.945 Public Notice. Upon lease expiration, subsection AS 38.05.070(e) allows the Director to renew a lease previously issued under section AS 38.05.070 if the lease is in good standing and the lease renewal is determined to be in the best interest of the State.

**Lease Renewal Qualifications:**

In order to qualify for a renewal, a lessee must be in “good standing.” Good standing refers to the fact that the lessee’s accounts are current, that there are no outstanding compliance issues, and that the lessee maintains a healthy business relationship with the lessor. A review of the case file has shown that the lessee is in good standing.

**Lease Renewal Discussion:**

The proposed lease site is situated on uplands with no water frontage. It has been used as an outdoor recreation camp since 1999. The surrounding area has seen exploration and mining activity for many years. Mr. Welker intends no significant improvements to either the existing 14-foot by 25-foot camp cabin, 4-foot by 4-foot privy/outhouse, or the surrounding land.

Renewing the lease under AS 38.05.070(b) will allow the lessee and the lessor to reenter into a lease contract with minimal delays or disruptions. This lease renewal is in the best interest of the State as the land under lease will continue to enhance public use and enjoyment of the area by providing lodging for recreational activities, and the renewal is consistent with the State’s Constitution as the lease provides for the utilization, development, and conservation of the natural resources belonging to the State for the maximum benefit of its people.

**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 referenced herein, the 1998 Kuskokwim Area Plan and other classification references described herein, and the casefile for the application serialized by DNR as ADL 227512.

**Legal Description:**

1 acre of state land within the SE1/4 of NE 1/4 of Section 16, Township 11 North, Range 50 West, Seward Meridian.

**Title and Third-Party Interest:**

A DNR Title Report (RPT-5695) issued on July 16, 2014, from DMLW’s Realty Services Section, attests that the State of Alaska holds title to the subject land under U.S. Patent 50-2012-0170 dated

May 23, 2012. Aside from usual reservations for ditches or canals, there are no other reservations within the leasehold.

SCRO requested a title report from DMLW's Realty Services Section on September 9, 2024, which has not been received at the time of this decision. Should the title report note any major changes, they will be addressed via subsequent adjudication and amendment, if necessary.

The leasehold is located within a closed State Mining Claim (MC 508388), which covers the project area. Mr. Welker also possesses an active DMLW permit serialized as LAS 33774 adjacent to the leasehold.

### **Planning and Classification:**

The project area is subject to the Kuskokwim Area Plan (KAP), Management Unit 15: Holitna River, Subunit 15g: Taylor Mountains and Fortyseven Creek. The classification for this site is Minerals and Wildlife Habitat. Management intent for Taylor Mountains and Fortyseven Creek notes that lands will be kept in public ownership and managed for multiple use, including fish and wildlife and habitat and harvest, and mining. Similar to the customer's adjacent DMLW commercial recreation camp permit serialized as LAS 33774, ADL 227512's purpose of supporting commercial guiding and outfitting is consistent with the area plan's management intent of wildlife habitat and harvest.

Pages 2-26 and 2-27 of the KAP speak to the authorization for both permanent and temporary commercial recreation facilities on state land. Specifically, that management intent notes, for permanent commercial recreation facilities, that:

“Lodges, or other private facilities designed to be run as private, profit-making recreation facilities may be leased if the facility fulfills the following conditions and a finding in accordance with AS 38.05.035. (1) Commercial recreation development adds to or enhances public recreation opportunities. (2) The use generated by private, recreation development will not result in significant adverse effects on important fish and wildlife populations. In making this determination, DNR shall consult with ADF&G. (3) The amount of use generated by the facility will not exceed the best available estimate of the recreation carrying capacity of the area. This estimate will be based on the following information. (a) The number of commercial recreation leases and permits that already exist on state and other land in that unit and the amount of use they generate. (b) Management intent and guidelines of this or subsequent plans for the unit. (c) Management objectives for nearby non-state lands (to the extent this information is readily available). This information will be gathered as part of the normal permitting and leasing process and the public notice regulations described in guideline I, page 2-11, Public Notice to Help Avoid Conflicts with Traditional Uses of Fish and Game. Commercial recreation uses that exist at this time are identified in the individual management units. (4) The facility can be sited, designed,

constructed, and operated in a manner that avoids significant conflict with natural values and traditional uses of the area. See guideline H, Avoid Conflicts with Traditional Uses of Fish and Game, page 2-11 for guidance on determining the likely impacts on traditional land uses (as required by AS 38.05.830). (5) Additions to existing facilities, rebuilt facilities, or new facilities will be sited and designed in accordance with stream corridor, access, wetlands, and other guidelines of this plan. Final approval of a permit or lease for the facility will be given only after consultation with ADF&G and the Division of Parks and Outdoor Recreation.”

The KAP specifically allows for commercial hunting and fishing in this area, which conforms with the State's policy to encourage the settlement of land and the development of its resources by making them available for maximum use consistent with the public interest. Mr. Welker's proposal meets the criteria outlined above regarding permanent commercial recreation facilities, and it does not violate any KAP management intent or land use designation. This proposed lease renewal would not significantly alter the operations that have previously been conducted at the site for the last 25 years, which have resulted in no documented adverse impacts to the environment, wildlife populations, or traditional uses of the land.

**Access:**

The applicant accesses the site via aircraft only, with an approximately 4000-foot-long gravel airstrip immediately northwest of the leasehold.

**Public Access:**

Public access is similarly maintained via the airstrip, which is considered to be a generally allowed use (GAU) of State land as described in 11 AAC 96.020.

**Authorization and Term Length:**

Pursuant to AS 38.05.070(e) leases may only be renewed once and for a duration no longer than the original lease term. As such, this renewal lease will be issued for an additional 10-year term. Unless an appeal is received, the lease term will begin upon **January 27, 2025**.

**Annual Fee:**

The annual fee will be set at **\$1,070.00** per the approved fee schedule for commercial camps outlined in the fee schedule #2618-10. In accordance with AS 38.05.105, this lease may be subject to periodic rent adjustments every five years according to an adjusted fair market value.

**Visitor Day Use Fee:**

All commercial recreation authorizations are subject to a **\$4.00/day** “Visitor Day” fee under 11 AAC 96.250(18), for each client using state land. This fee is collected once a year and will be due on the same day as the annual fee.

**Periodic Rate Adjustment:**

In accordance with AS 38.05.105, the proposed lease will be subject to reappraisal at five-year intervals after the issuance of the proposed authorization.

**Bonding:**

In accordance with the terms of the previous lease, the existing performance bond of \$2,500.00 will be sufficient to satisfy 11 AAC 96.060 for this land lease. This bond will remain in place for the life of the proposed lease. The bond amount is based upon the level of development, amounts of hazardous material/substances on site, and the perceived liability to the State. This bond will be used to ensure the applicant's compliance with the terms and conditions of the lease issued for their project. This bond amount will be subject to periodic adjustments and may be adjusted upon approval of any amendments, assignments, reappraisals, changes in the development plan, changes in the activities conducted, or changes in the performance of operations conducted on the authorized premises, and as a result of any violations to one or more of the authorizations associated with this project.

**Reclamation Bond:**

SCRO reserves the right to require a reclamation bond in the event of noncompliance issues during the term of the lease or near the end of the life of the project.

**Insurance:**

Mr. Welker will be required to submit proof of liability insurance to SCRO, with the State of Alaska listed as a "NAMED" insured party. Mr. Welker submitted appropriate insurance on the date of the lease assignment, July 31, 2024, and will be responsible for maintaining such insurance throughout the term of the renewed lease.

**Public Trust Doctrine:**

Pursuant to AS 38.05.126 all authorizations for this site will be subject to the principles of the Public Trust Doctrine; specifically, the right of the public to use navigable waterways and the land beneath them for navigation, commerce, fishing, hunting, protection of areas for ecological studies, and other purposes. These rights must be protected to the maximum extent practicable while allowing for the development of this project. As such, SCRO is reserving the right to grant other authorizations to the subject area consistent with the Public Trust Doctrine.

*Signature page follows*

**Recommendation:**

SCRO has completed a review of the information provided by the applicant, examined the relevant land management documents, and has found the proposed lease is consistent with all applicable statutes and regulations. SCRO recommends the issuance of another 10-year lease to support Roland Welker’s commercial recreational activities as they provide continued opportunity for commercial recreation to this remote area of the state, as described in the following attachments:

Attachment A: Development Plan

Attachment B: Location Maps

*Benjamin J. Powell*

10/31/24

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Ben Powell, Natural Resource Specialist 2

Date

Division of Mining, Land and Water, Southcentral Regional Land Office

**Decision:**

The findings presented above have been reviewed and considered. The case file has been found to be complete and the requirements of all applicable statutes and regulations have been satisfied. SCRO finds that it is in the best interests of the State to renew this lease as described under the authority of AS 38.05.070(e).

pp *Kate Dufault*

11/6/2024

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Joni Sweetman, Leasing Unit Manager

Date

Division of Mining, Land and Water, Southcentral Regional Land Office

**Appeal:**

An eligible person affected by this decision may appeal to the DNR Commissioner per AS 44.37.011 and 11 AAC 02. Any appeal must be received within twenty (20) calendar days after issuance of this decision under 11 AAC 02.040. An eligible person must first appeal a decision to the Commissioner before seeking relief in superior court. The Alaska Court System establishes its own rules for timely appealing final administrative orders and decisions of the department. Appeals may be mailed or hand-delivered to the DNR Commissioner’s Office, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska, 99501; or faxed to (907)-269-8918; or sent by electronic mail to [dnr.appeals@alaska.gov](mailto:dnr.appeals@alaska.gov). Appeals 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)-(b). A copy of 11 AAC 02 is available on the department’s website at <https://dnr.alaska.gov/mlw/pdf/DNR-11-AAC-02.pdf>.

# Attachment A

## Development Plan



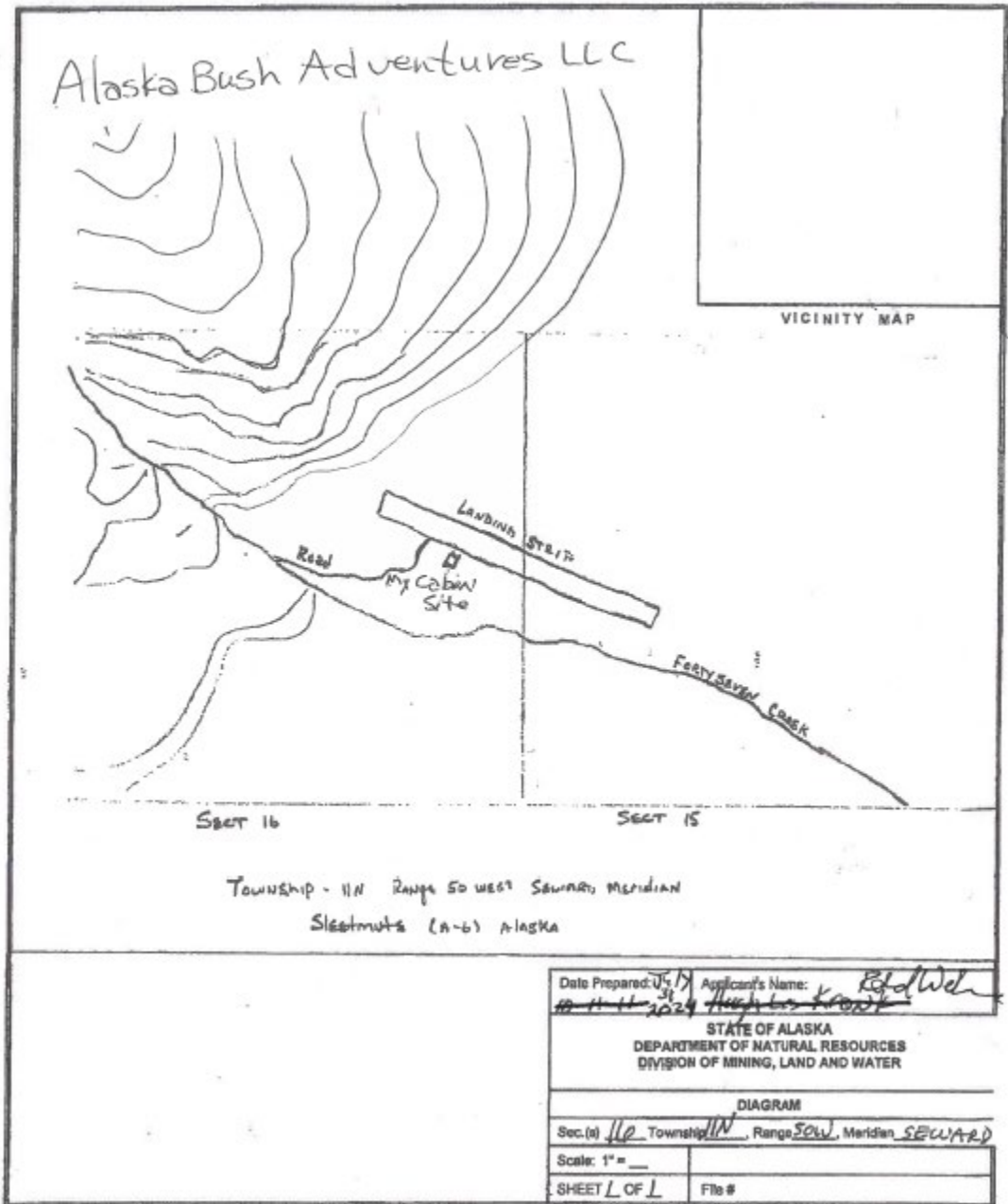
### DEVELOPMENT PLAN

Alaska Bush Adventures LLC. would like to secure a lease on State property to operate a base camp operation for a commercial hunting and fishing business. We will be using it as a hub to access the surrounding area to take our clients hunting, fishing, and outdoor recreational activities.

Legal description:	Seward Meridian, township 11N, range 50W, section 16
Terrain:	Sparsely wooded, on a slightly sloping hill Little to no change will occur to the terrain (nothing permanent)
Access:	The access to the area is by aircraft only. There is an existing airstrip of approximately 3000 ft long. The lower 1000 ft is washed out and is unusable.
Structures:	One wooden cabin structure 14ft x 25ft
Building:	Cabin is made of 2 x 4 frame with plywood exterior covering both sides and roof on poured concrete piers foundation. This cabin will be used for the duration lease and will be for housing employees and clients.
Power source:	1500/2000 watt portable generator
Waste and types of disposal:	Any waste products which can be burned in a burn barrel will be burned. Anything that cannot will be flown out. An outhouse (privy) will be used for human waste disposal and at the end of each season will be covered with soil. All waste products will be handled in accordance with all rules and regulations.
Hazardous substance:	There will be a little use of Hazardous substances such as; motor oil and fuel. The use of Hazardous substances will be done in accordance with existing federal, state and local laws, regulations and ordinances and will be hauled out for disposal in an approved manner. Sorbent pads and drip pans will be available.
Water supply:	A spring along with a flowing creek is located nearby and will provide water. All kitchen gray water will be disposed of in a leech pit and will satisfy the requirements of DEC
Parking areas and storage:	Currently we do not own any aircraft but occasionally there may be an aircraft on site for transportation. There is sufficient parking on the existing runway for these aircraft. Drip pans will be provided when necessary. All camping gear and equipment used will be stored in the cabin.
Number of people using the site:	4 employees and 2 supervisors. Average number of clients will be 15 per season
Maintenance and Operations:	End of season all equipment will be winterized and stored and any maintenance that needs to be done will be done by the owner and employees.
Closure/reclamation:	End of the lease we would like the option to renew it or offer any improvements to whomever may be in assuming the takeover of the lease/property/structures, otherwise we will remove all structures and return property to its original status and do general site restoration

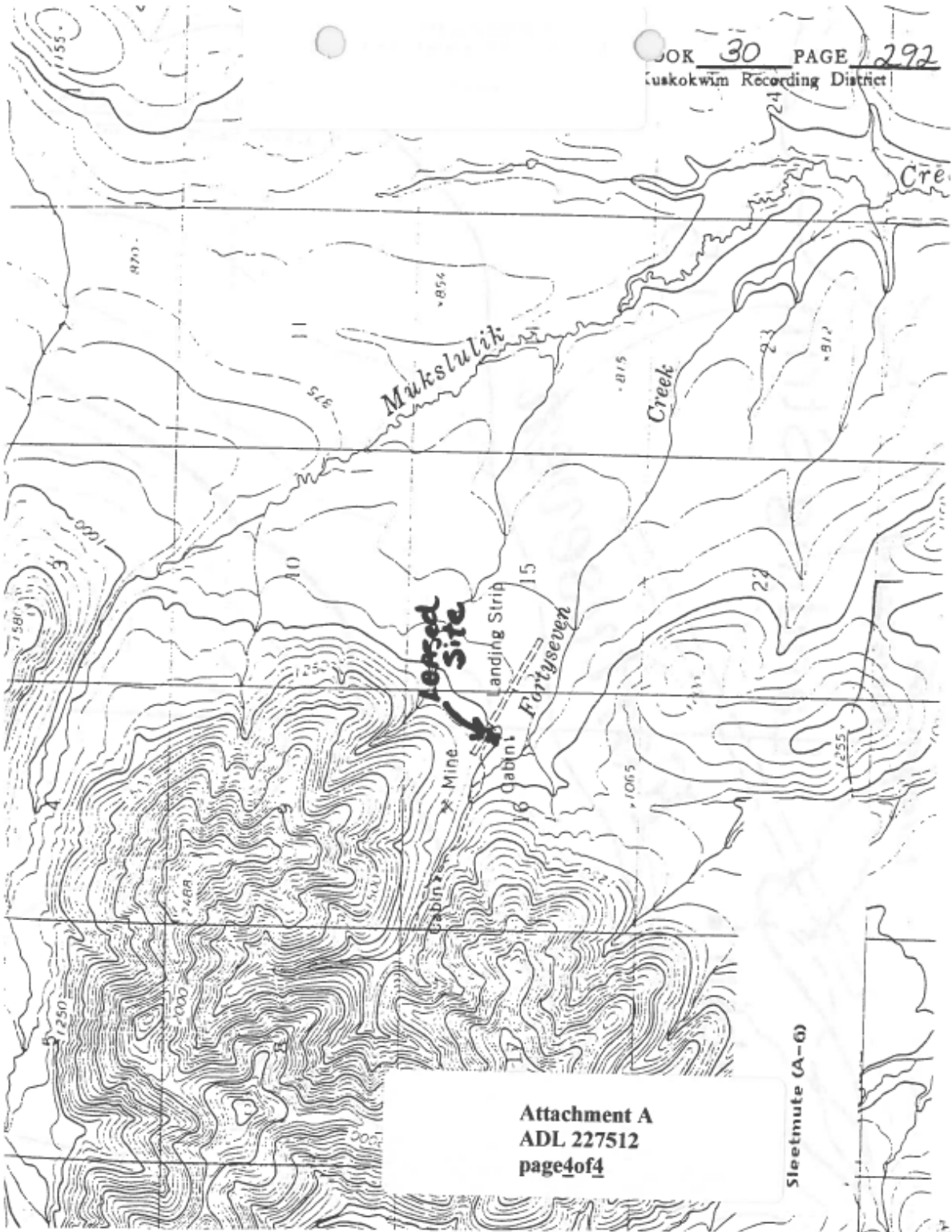
~~Hugh Selie~~ Kenneth H. Hall  
Ed. Wilson July 31 2024

# Attachment A Development Plan





**Attachment B  
Location Maps**



**Attachment B  
Location Maps**

