



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

Northern Regional Land Office

**Lease Renewal Decision  
ADL 38484**

Midnight Sun Council, Inc., Boy Scouts of America  
Public & Charitable Lease Renewal  
AS 38.05.810(d) and AS 38.05.070(e)

**Decision to Renew Lease**

Midnight Sun Council (MSC), Inc., Boy Scouts of America (BSA), 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 youth encampment near Salcha. The original lease will expire on April 24, 2025. DMLW has made the decision to renew the lease for an additional term of 55 years.

**Scope of Decision**

The scope of this decision is to determine if it is in the State's interest to renew lease ADL 38484 for an additional fifty-five-year term.

**Authority**

ADL 38484 was originally authorized under AS 38.05.315(b)-(d) renumbered as AS 38.05.810(b)-(d). Upon lease expiration, AS 38.05.070(e) allows the Director to renew the lease once for a term not longer than the original term of the lease.

**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 the casefile serialized by DNR as ADL 38484.

**Location and Legal Description**

Location: The parcel is located on the southeast shore of Chisholm Lake (also known as Lost Lake) as the Lost Lake Road ends at the lease property and the Lost Lake Road Extension continues through the property providing access to BSA's Lost Lake Camp, as shown in Attachment A.

Legal Description: Lot 2 within Section 24, Township 7 South, Range 5 East, Fairbanks Meridian, containing 9.54 acres more or less.

Borough/Municipality: Located within the Fairbanks North Star Borough. No Borough lands are impacted.

Regional/Village Corporation: The Regional Corporation is Doyon Limited. No Regional Corporation lands are impacted.

### **Title**

Title report No. 23732, current as of March 5, 2025, through March 5, 2026, finds the State of Alaska holds fee title for the land and mineral estates for the project area described as Lot 2, Section 24, Township 7 South, Range 5 East, Fairbanks Meridian under Patent 50-65-0152 recorded by the Fairbanks District on September 26, 1964, which was acquired through state General Selection 212. The land is subject to rights-of-way excepted and reserved to the United States for ditches and canals constructed under the authority of the United States, and for the construction of railroads, and telegraph and telephone lines.

### **Adjacent Landowners**

The lease parcel is within the Fairbanks North Star Borough, though no borough lands are impacted. The lease parcel lies within the Doyon, Limited regional corporation boundary, however no regional or village corporations are impacted.

The parcel adjacent to the east side of the lease property is owned by the Fairbanks North Star Borough and was conveyed through Municipal Entitlement, ADL 400758, under former AS 29.18.201.

The parcel adjacent to the south and west sides of the lease parcel is owned by Midnight Sun Council Inc., Boy Scouts of America.

On the adjacent north side of the lease property there are two lots within Lost Lake Estates Subdivision: Lot 15 is owned by MSC Inc., BSA, and Lot 1 is owned by Stephen P. Leslie and Maria L. Helms.

### **Third Party Interests**

There are no known third-party interests or conflicts identified within the lease.

### **Planning and Classification**

This site is within the Fairbanks North Star Borough (FNSB), which is the zoning authority, zoned GU-1 and is exempted from assessed use stipulations.

Regionally, the site is located within the Delta Region of the Eastern Tanana Area Plan (ETAP). However, the parcel has not been classified within ETAP. ETAP specifies, for state land not

identified within the plan, that parcels in or near existing communities are designated as Settlement and classified as Settlement Land. Appropriate uses for such land are considered schools, material sales, roads, parks, or other similar use sites.

On March 19, 2025, the Resource Assessment and Development Section (RAADS) provided the following land classification determination; “It is my determination that the subject parcel should be included in the ETAP Management Unit F-113 that is designated Settlement, described on page 3-59, and classified as Settlement Land.” Therefore, the purpose of land leased to MSC Inc., BSA falls within this classification, and the classification does not preclude the proposed lease renewal.

This site has not been closed to mineral entry.

The lease renewal is consistent with the classification and zoning intent of the area and ensures that the proposed use is compatible with the area utilization.

### **Traditional Use Finding**

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

### **Access**

Access to the lease site is by platted public road, Lost Lake Road that connects the Lost Lake Hills and Lost Lake Estates subdivisions to the lease site. The road crosses a small portion of private land that is owned by the BSA. Additional legal access is provided by the section line easement that runs North-South from the Eastern edge of the lease parcel to the Richardson Hwy.

### **Access Along Navigable and Public Waters**

The site is located near Chisholm Lake (Lost Lake). Pursuant to AS 38.05.126(a), the public has a constitutional right to free access to, and use of, navigable or public waters of the State of Alaska. Access to Chisholm Lake is provided by the existing section line easement. There is a constructed boat launch within this easement. Additionally, Chisholm Lake is stocked. Regulating or limiting access is not necessary to accommodate other beneficial uses or public purposes along the undeveloped waterfront of this parcel. Accordingly, and to accommodate fishing, boating, and other water-related uses, a public access easement along the ordinary high watermark of Chisholm Lake will be reserved pursuant to AS 38.05.127.

Comments provided by PAAD during agency review determined Lost Lake/Chisholm Lake navigable water per AS 38.05.127 defined in AS 38.05.965(14).

### **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, DMLW is reserving the right to grant other authorizations to the subject area consistent with the Public Trust Doctrine.

### **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 proposed leasehold does not fall within the areas delineated in an Administrative Mineral Closing Order (MCO). Neither an MCO nor a leasehold order is necessary to or appropriate for this proposed leasehold.

### **Hazardous Materials and Potential Contaminants**

There are no documented or known hazardous materials or potential contaminants stored on the lease property. There have been no recorded spills with the Alaska Department of Environmental Conservation on the property during the previous 55-year lease period. An Environmental Risk Questionnaire was submitted as part of the two-year lease renewal application which states no fuel tanks or other hazardous materials will be stored, transported, generated or used on the lease property.

### **Performance Guaranty**

The lease renewal will not require a performance guaranty. Given the low risk level of the proposed authorization and past compliance DNR has waived the performance guarantee in accordance with 11 AAC 96.060(a). The amount of the performance guaranty may be adjusted by the AO in the event of approved amendments to this authorization, changes in the development plan, or any change in the activities or operations conducted on the premises.

### **Insurance**

The department waives the requirement for insurance after considering the risks associated with the proposed activity and under the terms of the current lease which also does not require insurance. This requirement may be adjusted by the AO in the event of approved amendments to this authorization, changes in the development plan, or any changes in the activities or operations conducted on the premises.

## **Survey**

The lease parcel was surveyed as part of land patent number 50-65-0152 as 9.54 acres noted on the BLM Master Title Plat for Section 24, Township 7 South, Range 5 East, Fairbanks Meridian.

## **Appraisal**

Pursuant to AS 38.05.097, a nonprofit organization leasing land for a youth encampment is exempt from leasing fees.11 AAC 58.910(31) defines “youth encampment” as a program, offered by a nonprofit organization, that provides organized, supervised experiences and opportunities in outdoor recreation and living, and personal and social development for children and young adults, that includes daytime facilities or area for overnight camping, and that is used during any three months of a year. Because the applicant is a nonprofit, and the land is being used as a youth encampment, no appraisal or fee will be required.

## **Agency Review**

An agency review for the lease renewal was conducted from November 15, 2024, through December 6, 2024. The deadline for agency comments was December 6, 2024.

The following agencies were included in the review:

DNR, Division of Parks and Outdoor Recreation

DNR, Office of History and Archeology/SHPO

DNR, Division of Forestry

DNR, State Pipeline Coordinator’s Section

Heather O’Claray, Department of Transportation and Public Facilities, Statewide ROW Chief

ADF&G, Access Defense

Audra Brase, ADF&G, Habitat Division

Department of Environmental Conservation (DEC), Contaminated Sites

Janet Post, United States Army Corps of Engineers

Jeff Durham, Soil and Water Conservation Salcha/Delta Junction

Daniel Welch, Fairbanks North Star Borough, Land Management

## **Agency Review Comment and Response**

The following comments were received:

Heather O’Claray with DOT statewide real estate/right-of-way chief stated they had no objections to this lease renewal.

DNR Response: Acknowledged.

Sue Goodglick with ADF&G Access Defense Program stated they have no objection to the renewal of the lease. They have provided the following comments and recommendations: Storage of fuel, trash, food, and any other potential wildlife attractant should be properly stored in bear-resistant containers. The applicant should report any nuisance wildlife interactions to ADF&G Division of Wildlife Conservation.

DNR Response: DNR notified Midnight Sun Inc., Boy Scouts of America of the recommendations. The lease will include stipulations outlining the recommendations as well.

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**

Midnight Sun Council Inc., BSA is the current lessee for lot 2 on Lost Lake near Salcha Alaska. The original lease was issued on April 25, 1968, for a duration of 55-years. They are currently authorized under a two-year lease extension that expires April 24, 2025. to allow time to adjudicate and authorize a 55-year lease renewal.

This land is currently used primarily for access. Improvements to the land listed at the time of application are of a road to the Boy Scout Camp on Lost Lake and any repairs and or maintenance of the access gate and access road that may be required.

Since the initial lease in 1968, the BSA constructed a gate, posted signage, and maintained the Lost Lake Road extension that bisects the lease property. The lease extension is set to expire April 24, 2025.

### **Lease Discussion**

DNR contacted Midnight Sun Council Inc. BSA, on March 22, 2024, requesting application materials for the lease renewal. Midnight Sun Council Inc. BSA submitted a completed application for lease renewal on May 20, 2024. The property being considered for a lease renewal consists of a 9.54-acre parcel more or less that includes the access road to the Lost Lake Camp for BSA.

Per AS 38.05.070(e), the director may renew a lease issued under 38.05.810 upon its expiration if the lease is in good standing and the lease renewal is determined to be in the best interest of the state.

The renewal of the lease will allow BSA with the ability to continue operations of the Lost Lake Camp. At the time of application for the lease renewal the Midnight Sun Council Inc., BSA noted they were not interested in purchasing the property and would prefer to continue to operate under a lease renewal for a period of 55 years.

**Recommendation**

It has been determined that a one-time lease renewal for fifty-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 fifty-five-year term to Midnight Sun Inc., Boy Scouts of America

*Lisa A. Winter*  
Lisa Winter  
Natural Resource Specialist

March 24, 2025  
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) and issuance of the lease pursuant to AS 38.05.70. If no appeal is filed by the appeal deadline, this decision goes into effect and becomes a final administrative order and decision of the department on the first business day after the twentieth calendar day after signature.

*AJ Wait*  
Alexander Wait  
Natural Resource Manager 2

March 24, 2025  
Date

## **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>.

## **Attachments**

Attachment A – Map

Attachment B – Lease Agreement

Attachment C – Lease Additional Stipulations

Attachment D – Application Development Plan