

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

# RENEWAL DECISION

**ADL 223117**

**Matanuska Susitna Borough**

**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 Matanuska-Susitna Borough (MSB) to renew a current lease for 1 acre of land for 15 to 20 years located near the peak of Bald Mountain which is within the Hatcher Pass Management Area. The location of the project area is further described as being within the NW1/4 NW1/4 of Section 27, Township 19 North, Range 1 West, Seward Meridian, Alaska. MSB is proposing the continued use of this site as an emergency communication site.

**History:**

The first DNR authorization for this site was a Land Use Permit (SCR 86-077) which was issued in 1986 to Kristine Knapp, DBA Alaska Communications (AC). A lease was issued for two sites, serialized as ADLs 223117 and 224832, effective from May 13, 1988, to May 12, 1998. The lease was amended on April 22, 1998, to exclude and close out ADL 224832. The lease was issued for another 10-year term on June 1, 1998, to AC which authorized the site until 2008. A third application was received from AC for this site in 2007. A Land Use Permit (LUP) was issued to cover the interim time until the application could be adjudicated. The LUP was issued under the same ADL, effective June 1, 2008, and expired on May 31, 2011. In June of 2011, SCRO issued another 3-year permit, under the same ADL, ending May 31, 2014.

The current lease was issued March 6, 2015, for a term of 10 years, expiring February 14, 2025. In June of 2015 the lease was amended to assign interest from AC to MSB, for the remainder of the lease. SCRO received an application for renewal from MSB on July 23, 2024, for 15 to 20 years.

**Existing Infrastructure:**

- Two 8-foot by 20-foot steel enclosures

- Two 10-foot by 10-foot wood structures
- One 30-foot tower
- Two 500-gallons propane tanks
- One 120-gallon for heating fuel
- One 300-gallon steel fuel tank
- Twenty-four absorbed glass mat batteries

**Lease Renewal Authority:**

The previous 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); 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:**

Since 1986, this site has provided telecommunication services to the Matanuska-Susitna Valley. This facility provides wireless links to sites, and other telecommunications needs. Through this site the general public, public agencies, and emergency services can benefit from the wireless service being provided. Public safety agencies, including fire, rescue, police and ambulance can rely on the services and coverage by this site. The public can also benefit through improved emergency services provided by these agencies through utilization of communications that are not generally subject to interruption of power or events of natural disaster.

Renewing the lease under AS 38.05.070(e) 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 communications and public safety of the area. 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 2012 Hatcher Pass Management Plan and other classification references described herein, and the casefile for the application serialized by DNR as ADL 223117.

**Legal Description:**

A 1-acre parcel located in the NW1/4 of the NW1/4 of Section 27, Township 19 North, Range 1 West, Seward Meridian, Alaska.

**Third-Party Interest:**

There are no known third-party interests.

**Title Report:**

SCRO requested a title report from DMLW's Realty Services Section on September 25, 2024, a report was not received at the time of this decision. However, the land has previously been found to be state-owned, as determined in the 2014 PD.

**Planning and Classification:**

The project area is subject to the 2012 Hatcher Pass Management Plan (Area Plan), Bald Mountain / Hillside Unit. This unit has several designations, most being co-designated Public Recreation - Dispersed and Habitat. This unit is to be managed to maintain its wildlife populations as well as provide opportunities for hunting and dispersed recreation activities and maintain scenic views from the Hatcher Pass Road. Generally, development, except related to recreation, road, and public safety projects, is not intended within this unit.

Page 3-47 of the management plan and unit notes as a management guideline for utilities that:

“Repeater and other forms of communication sites are an allowed use along the top of Bald Mountain but must be situated to avoid being seen from the Hatcher Pass Road. If the latter is not feasible and some amount of visibility cannot be avoided, they should be sited and designed so that they do not stand out as a prominent skyline feature as viewed from the road and so that they blend in with the ridge. Sites are to be grouped together to the extent possible and the access routes to these sites should be minimal necessary for that purpose and they should not be sited to create a prominent skyline feature.”

Page 3-46 of that same plan notes as a management guideline for authorizations that “authorizations issued by DNR are to be consistent with requirements of Table 2-1.” Facilities for public safety are allowed, as noted on page 2-7 on Table 2-1 in Chapter 2 of the management plan. Page 2-8 of the same table notes that utilities – including telecommunication facilities – are conditionally allowed, provided that they adhere to Chapter's 2's management guidelines for utilities. Page 2-13 of the plan notes as management guidelines for utilities that:

“Given the prominence of these features, special care is to be taken in their siting. To the extent practical, utilities are to be located so that they are not visible from Hatcher Pass Road. Depending on the site context and feasibility, they are to be screened or buried, or situated sufficiently distant from this road to limit adverse visual impacts. If they are visible from this road, they should be positioned to blend with ridgelines rather than stand out as prominent skyline features and should use structures and materials that are not visually prominent or limit their prominence.”

The terrain and site location are approximately 3 miles South of Willow Fishhook Road, and approximately 7 miles West of Palmer-Fishhook Road (Hatcher Pass Road). Due to the distance and adjacent terrain, there are no adverse visual impacts to the surrounding area, with considerations to the above stated guidelines for utilities found in Chapter 2 of the Area Plan. Renewing this lease will allow public safety agencies and operators with continued use of a telecommunications system to the surrounding area, this project is consistent with the management intent set out in the area plan and does not conflict with the classification.

**Access:**

Access to the lease site is generally by air. In an effort to mitigate impacts to tundra bird nesting habitat much of the adjacent land is closed to motorized use from May to October. However, since an RS 2477 trail traverses the habitat area, generally allowed use (GAU) motorized access through the habitat area is permitted. During the winter months the area is open to motorized use, once there is sufficient snow cover to protect the underlying soil and vegetation.

**Public Access:**

RS 2477, Wet Gulch Trail (RST-1710) traverses the Bald Mountain Habitat Area from Schrock Road to Willow Creek and Willow Fishhook Road.

**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 on **February 15, 2025**.

**Annual Fee:**

The annual fee will be set at **\$1,070.00** per the approved fee schedule for communication sites outlined in the fee schedule #2325-20. 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.

**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:**

MSB is a local government that is self-insured and bonded: and as the MSB guarantees compliance through statutes and regulations: no performance guarantee will be required.

**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:**

As a local government, the MSB is self-insured. Therefore, no additional insurance will be required.

**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 renewal is consistent with all applicable statutes and regulations. SCRO recommends the issuance of another 10-year lease to support MSB’s telecommunications site as they provide communication systems for civil and emergency services, as described in the following attachments:

Attachment A: Development Plan

Attachment B: Location Maps

*Naelene Matsumiya*

3/27/2025

Naelene Matsumiya, Natural Resource Specialist

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).

*Cinnamon Micelotta*

3/27/2025

Cinnamon Micelotta, Natural Resource 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**  
**ADL 223117 Updated Development Plan**

The Matanuska-Susitna Borough acquired the right of lease from Alaska Communications in 2015. The Mat-Su borough continues to use a portion of state-owned land for the purpose of operating a Public Safety communications facility. The property is locally known as Bald Ridge, located approximately 10 miles north of Wasilla. The parcel of land is approximately 1 acre (Latitude: 61038-59.0 N Longitude: 149-27-05.2 W NAD 27, located within Section 27, Township 19 North, Range 1 West; Seward Meridian, Alaska).

This location continues to serve the Matanuska-Susitna Borough as the primary Public Safety communications hub for Fire and EMS services to the cities of Palmer, Wasilla and Houston, to include the communities of Butte, Big Lake, and Willow. This facility provides vital wireless relay links to other public safety communication sites around the Mat-Su borough and houses the primary radio repeater communications for Fire and EMS services pivotal to dispatching out Public Safety resources and allowing interoperability with the division of Forestry and Fire Protection.

The current facility consists of the following: Two 8 x 20 all steel welded building placed upon treated timbers there are no permanent building foundations. A single 10x10, wood construction, generator shed on timbers with no permanent building foundations. A single 10x10, wood construction, storage/tool shed on timbers with no permanent building foundations. A single 30 ft building affixed Rohn 55 communications tower with guide wires to non-permanent concrete forms. Two 500 Gallon propane tanks mounted on skids North of the generator shed providing fuel for two propane generators as primary power source. One 120-gallon propane tank supplying additional backup generator inside steel welded building. One 300-gallon steel fuel tank on stand supplying an oil heat stove for heating a 24 2-volt AGM battery system. All of the aforementioned structures and equipment have been installed as per the original lease agreement with Alaska Communications. The only addition that is subject to funding and approvals would be to provide permanent power to the mountain top via armored cable following the sections lines, which would all be done in coordination with a project manager, utility companies, and engineers working to securing permitting to the site.

Access to the site is via snow mobile and aircraft in winter and aircraft in the summer. Public access is not restricted. This site operates 24 hours a day 365 days a year. There is no commercial power to the site. The site is operated by alternate energy sources. 18 Solar Panels and maintenance free AGM batteries are charged by generators during non-solar conditions, for uninterrupted power. Periodic maintenance occurs throughout the year by a certified technician or management personnel. As this is an unmanned facility there is no need for water or septic systems.

The site is maintained regularly and kept neat and orderly and monitored by cameras. Water is transported to the site. Any excess materials or garbage is promptly removed from the site and disposed of properly. There will be no impact on any fish, plants, wildlife and no known or identified or endangered species at the site. The terrain/ground cover is typical for this part of

# **Attachment A**

## **Development Plan**

Alaska, poor rocky soil with moss cover. The view shed from this site is minimal and non-existent from the Willow Mine Road.

### **Environmental containment Bald Ridge**

As per some specifics to the environmental containment for fuels and batteries on the Bald Ridge communications site see the following:

#### **Batteries:**

The Bald Ridge communications site utilizes off grid power. Whereas generators and solar power charge a large 48-volt 24 cell battery plant. This plant utilizes AGM maintenance free batteries. This means that there is no waste or off gassing that happens with lead-acid liquid filled batteries. Once the batteries have outlived their life span, they are helicoptered off site and discarded to hazardous waste at the Mat-Su Borough Solid Waste department. The batteries are contained in a heated steel structure that includes an air handling system.

#### **Generators and propane:**

The Bald Ridge communications site is powered by Two 6kw propane generators, with a 5.5 kw backup generator. The Two primary generators are in a dedicated generator structure with two attached 500-gallon propane tanks. These tanks are affixed to weighted timbers. The propane does not require containment as all propane tanks on site are located outdoors where any off gassing or leaks would be exposed to open air. The backup generator is co-located in the Steel battery structure and is utilized as a last resort if power from generator shed is cut off, or if the main generators run out of fuel. The propane 120-gallon pickle barrel tanks are located directly behind the steel structure on a ground contact wood platform exposed to open air flow.

#### **Oil Heat:**

The oil Toyo stove that is dedicated to keeping the battery plant at optimal temperature is a 300gallon steel enclosed tank on steel stand affixed directly behind the Steel battery structure. The heater is piped with arctic grade insulated fuel line running from the tank into the building with the shortest run possible. The fuel valve and filter from the tank is affixed with a drip pan to prevent fuel leaks to the ground. The site is monitored by remote access cameras inside and outside the structures that is monitored daily to ensure safety of operations.

#### **Materials and Trash:**

All trash and materials that contain fuel, oil, gases, are stored in trash bags and promptly removed from site via helicopter.



# Attachment B Location Maps

