

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

RENEWAL DECISION

ADL 231721

Samaritan's Purse

Shorelands Lease

AS 38.05.070(e) and AS 38.05.075(c)

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 Samaritan's Purse (SP) to renew a current lease for 0.906 acres, more or less, of shorelands for 10 years located within Hardenburg Bay on Lake Clark. The location of the project area is further described as being within the SE1/4 of Section 4, Township 1 North, Range 29 West, Seward Meridian. SP uses this site for the continued use, operation, and maintenance of two private commercial docks adjacent to their private upland property. This lease will support SP's business as described in the Site Development Plan, Attachment A.

History:

In 2012, SCRO issued SP a Land Use Permit, LAS 28273, for the installation and use of two temporary floating docks and a certified fueling station in support of SP's Operation Heal Our Patriots program operated on SP's adjacent, private uplands.

On January 24, 2013, SCRO received an application from SP requesting a 55-year shoreland and submerged lands lease to replace SP's existing permit. The application outlined SP's desire to ensure unimpeded access to both the floatplane and boat docks for loading and offloading of supplies and guests with disabilities, and to preserve the clean and pristine nature of the area.

After considering public comments, SCRO instead issued a 10-year lease, denying exclusive rights to the shorelands, but allowing SP to temporarily limit public access within the lease for public safety during times of aircraft rotating between the docks, active loading and loading of visitors and cargo, and kayak instruction. Site control for the benefit of public safety does not constitute an exclusive use of state lands, and SP may post SCRO-approved signage at the lease tract boundaries explaining the limited access during the months of operation.

In addition, SCRO required a survey incorporating a 50-foot-wide public easement through the lease parcel below the ordinary high-water mark of Lake Clark and reserve a 6-foot-wide public access easement, agreed to by SP, through their private upland parcel. These easements are illustrated on survey plat 2019-1 and ensure public access when the dock ramps are in place and the lake water level is low. SP has also agreed to maintain a supply of twenty screw anchors in a weatherproof box for public use while anchoring on the public beach.

In 2024, SCRO received an application from SP for a lease renewal for an additional 10 years under AS 38.05.070(e).

Existing Infrastructure:

- 1 12-foot by 100-foot floating dock, constructed from pressure-treated wood, galvanized connectors, and plastic floats with a refueling point supplied by two 4,000-gallon double-walled fuel tanks located on SP's private uplands 250 feet from the shoreline. Each fuel tank has an electric protection and over-fill alarm engineered by Statewide Petroleum. Fuel is used to refuel floatplanes with Jet A fuel and boats with unleaded gasoline. Fuel lines are disconnected at the end of each season when the access ramps are removed.
- 1 10-foot by 100-foot floating dock, constructed from pressure-treated wood, galvanized connectors, and plastic floats
- 2 18-foot aluminum ramps, one for each dock
- 2 20-foot dock extensions, one for each dock, constructed from pressure-treated wood, galvanized connectors, and plastic floats

Lease Renewal Authority:

In 2015 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 38.05.075(c) Leasing Procedures; 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 38.05.075 if the lessee 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:

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 provide rental revenue to the State, access to people

with disabilities, and increased access to local residents during operational months. 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 2013 Bristol Bay Area Plan and other classification references described herein, and the casefile for the application serialized by DNR as ADL 231721.

Legal Description:

Alaska State Land Survey No. 2015-40, containing 0.906 acres, more or less, according to the survey plat recorded in the Iliamna recording district on March 26, 2019 as Plat No. 2019-1.

Title:

SCRO requested a title report from DMLW's Realty Services Section on June 24, 2025, which has not been received at the time of this decision. The shorelands have previously been determined to be state-owned in the 2015 PD.

Third-Party Interest:

None known.

Planning and Classification:

The project area is located on state shorelands within the boundaries of Lake Clark National Preserve, and is subject to the Bristol Bay Area Plan (2005, revised 2013). The project area is designated as Habitat (Ha) and Public Recreation and Tourism–Dispersed (Rd), which convert to classification of Wildlife Habitat Land and Public Recreation Land, respectively. Authorizations in these waters must ensure the continued use of a waterway by the public for purposes of trade, travel, and commerce while maintaining the habitat and public recreation values of the waterbodies.

The proposed recreational use is consistent with the classifications and management intent of the area plan.

Access:

Access to the site is by floatplane, boat, or aircraft.

Public Access:

Nearly all shore and tide lands in the State of Alaska are subject to easements ensuring free public access to, and use of the State's navigable waterways under AS 38.05.127 and 11 AAC 51.045. At this site, an easement will be reserved 50 feet below the ordinary high-water mark along with a 6-foot upland easement agreed to by SP across their uplands. Both easements have been reserved and recorded on the approved plat 2019-1.

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 **July 1, 2025**.

Annual Fee:

SCRO requested a Minimum Rent Determination (MRD) from DMLW's Appraisals Section on June 17, 2025, which has not been received at the time of this decision. Should the MRD note a change to the existing annual lease fee of \$1,000.00, an amended decision will be issued prior to lease issuance. In accordance with AS 38.05.105, the proposed lease renewal will be subject to reappraisal at five-year intervals after the issuance of the proposed authorization.

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 original lease, the existing performance bond of \$9,000 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:

SP will be required to submit proof of liability insurance to SCRO, with the State of Alaska listed as a “NAMED” insured party. SP 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 Samaritan's Purse commercial recreational activities as they will provide a direct economic benefit to the State with the collection of fees for ADL 231721 and an indirect economic benefit through recreational opportunities and enjoyment of the State's natural resources, as described in the following attachments:

Attachment A: Development Plan

Attachment B: Location Maps



06/30/2025

Bren McIver, Natural Resource Specialist 3

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).



06/30/2025

Cinnamon Micelotta, Natural Resource Manager 1

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. 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 231721 Development Plan

SAMARITAN'S PURSE NARRATIVE IN SUPPORT OF SHORE AND SUBMERGED LAND LEASE APPLICATION ADL 231721

October 29, 2024

Background

This narrative is written in support of Samaritan Purse ("SP") application for shore and submerged land lease, ADL 231721. Samaritan's Purse is a non-profit organization that has worked in Alaska for many years, responding to floods, fires, mudslides and other disasters. In 2010 SP purchased the Samaritan Lodge property on Lake Clark in Port Alsworth to be used as a retreat for wounded service personnel and their spouses through the Operation Heal Our Patriots program.

In 2012 SP applied for and received a Land Use Permit (LAS 28273) from the Alaska Department of Natural Resources. This Permit allowed SP to install two temporary floating docks and certified fueling station located in Section 4, Township 1 North, Range 29 West, of the Seward Meridian Hardenburg Bay within Lake Clark. The fueling station meets all industry standards and specifications, was inspected by the Department of Natural Resources, and was inspected and certified by the State Fire Marshal. The fueling station is serviced by the Director of Maintenance. The docks are constructed of plastic floats and pressure treated wood with galvanized metal connectors. They are equipped with a power source consisting of fire and waterproof conduit. In addition to providing moorage and refueling of floatplanes and boats, the docks provide wheelchair and handicap access. Dock #1 is 12' x 100' and Dock#2 is 10' x 100'. The docks remain in the water year-round but the two aluminum ramps and the fuel line connecting the docks to the upland walkway are removed from October 15 through May 15 to allow the public to traverse below ordinary high-water line. During times that Lake Clark has lower water levels, SP would like to have the flexibility to extend the docks. The 20-foot dock extensions are used annually from May 15th through October 15th. They are constructed of plastic floats and all-weather wood with galvanized metal connectors. The temporary extension of the docks would preserve the ability of SP to safely maneuver and operate planes and boats. There is no waste produced within the lease boundaries. All maintenance requirements are fulfilled by the Director of Maintenance.

Operation Heal Our Patriots

Through Operation Heal Our Patriots, SP provides a first-class, all-expense paid Lake Clark experience for approximately 190 military couples during the summer months. During their week-long stay at Lake Clark, the military couples are offered the opportunity to participate in hiking, kayaking, seaplane flight seeing, fishing, and other outdoor activities as well as marriage enrichment classes. Samaritan's Purse currently uses the docks and shoreline to moor three floatplanes with forty-five foot wingspans, one thirty-six foot boat, six eighteen foot boats, and ten kayaks around eighteen feet each. Samaritan's Purse's use of the docks and shoreline is necessary to facilitate water transportation and provide handicap access for the wounded military personnel by both floatplanes and boats.

Attachment A

Development Plan

Samaritan's Purse Request for a Lease

Samaritan's Purse owns US Survey 3424 and according to the survey, the property extends to ordinary high-water line. In late May to early September, SP's camp is in operation and wounded military personnel are using the docks for water transportation and handicap access. During this time, the water is at its highest and motorized vehicles are usually unable to legally access the beach due to the ordinary high-water line and natural rock barriers on the beach. To access the beach adjoining SP property during ordinary high water, requires motorized vehicles to leave the public road and drive across private property. As such, when SP primarily uses the docks and shoreline, during late May to early September, motorized vehicle access is already naturally blocked by high water or natural hazards. Because of this, most motorized vehicles use public roads during high water.

During low water, from fall to spring, SP removes the eighteen foot walkways connecting the docks to the pedestrian walkway to allow for ample motorized access and pedestrian access. Due to the low water from fall to spring, motorized vehicles and pedestrians have full access to the beach and are able to avoid the natural rock barriers and existing docks that prohibit access during high water.

SP seeks to ensure that access to the docks is not impeded and that the clean and pristine nature of the area is preserved. When personal boats or aircraft are parked directly beside the docks, our pilots and/or captains are unable to safely maneuver the floatplanes and boats in windy conditions. Everything at OHOP is designed with the wounded military personnel in mind. All amenities are handicap accessible, including the vessel, the M/V JAY HAMMOND. Blocked or impeded access to the docks has the result of our not being able to provide full service to these couples.

Accordingly, Samaritan's Purse respectfully requests the Department of Natural Resources, Division of Mining, Land, & Water to grant it a shore and submerged land lease under AS 38.05.075(c) (see attachment) with the right to use the land between the docks, and from 75' to the north of the northern dock and 75' to the south of the southern dock, from late May to early September.

Concessions by Samaritan's Purse

To ensure that the community is able to safely moor their boats and seaplanes on the shoreline abutting the Samaritan Lodge property, SP will supply a weatherproof box containing twenty screw anchors for public use. The anchor supply will be refreshed as needed. Samaritan's Purse will also allow a public easement for use of the public walkway for the duration of the lease. An Along easement is reserved 50 feet below the high water mark, in addition to a 6-foot upland access easement agreed to by Samaritan's Purse that extends across the uplands as described in the 2015 Final Finding and Decision, and illustrated on the survey plat 2019-1.

Remediation Plan

Upon the conclusion of the lease, SP will do whatever is needed to return the land to a satisfactory condition.

Attachment A

Development Plan

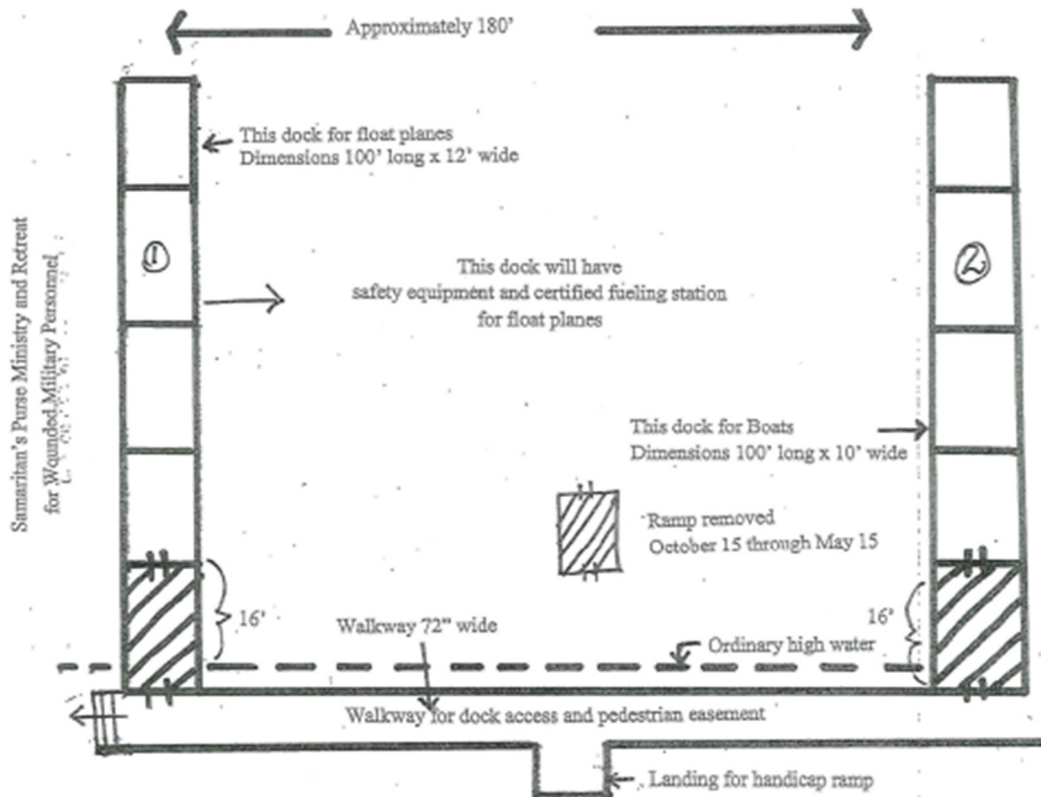
Statement Detailing Qualifications Under AS 38.05.075.(c)

As the owner of the land that fronts on tideland and submerged land, Samaritan's Purse qualifies for a non-competitive lease under AS 38.05.075(c) for the following reasons:

- (1) The use of the docks is necessary to facilitate water transportation and provide handicap access for wounded military veterans by both boat and floatplane. Samaritan's Purse provides a first-class, all-expenses paid Lake Clark experience for approximately 100 wounded military personnel and guests each year;
- (2) The proposed use of the tideland and submerged land is compatible with the classification of the land; and
- (3) There are no prior existing rights in the leased land that will be interfere¹ with by the issuance of the lease.to the tideland and submerged land.

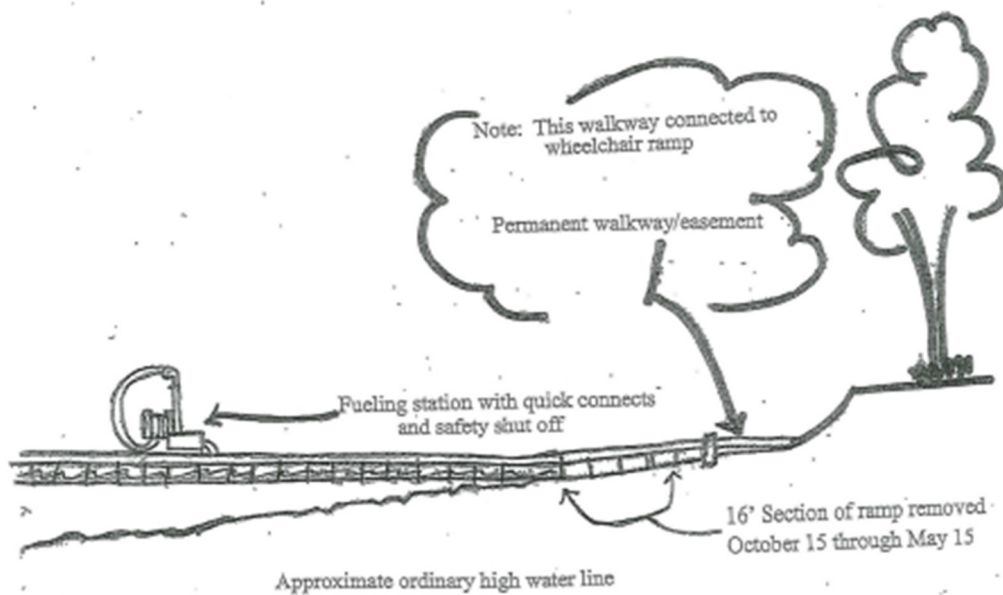
As such, Samaritan's Purse satisfies the requirements of AS 38.05.075.(c) and qualifies for a non-competitive lease.

Attachment A Development Plan

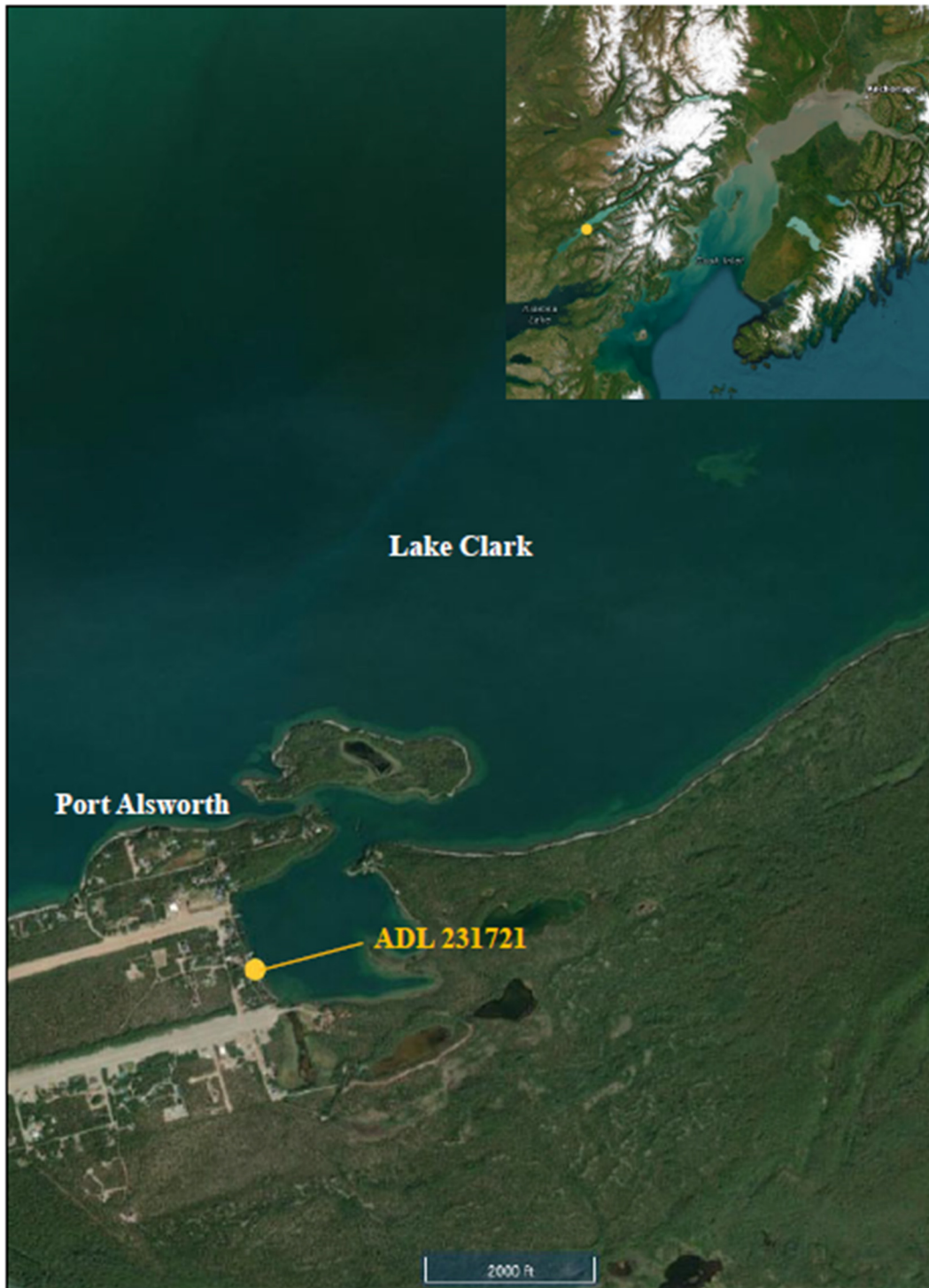


Samaritan's Purse Ministry and Retreat for Wounded Military Personnel

Only one dock has gas station



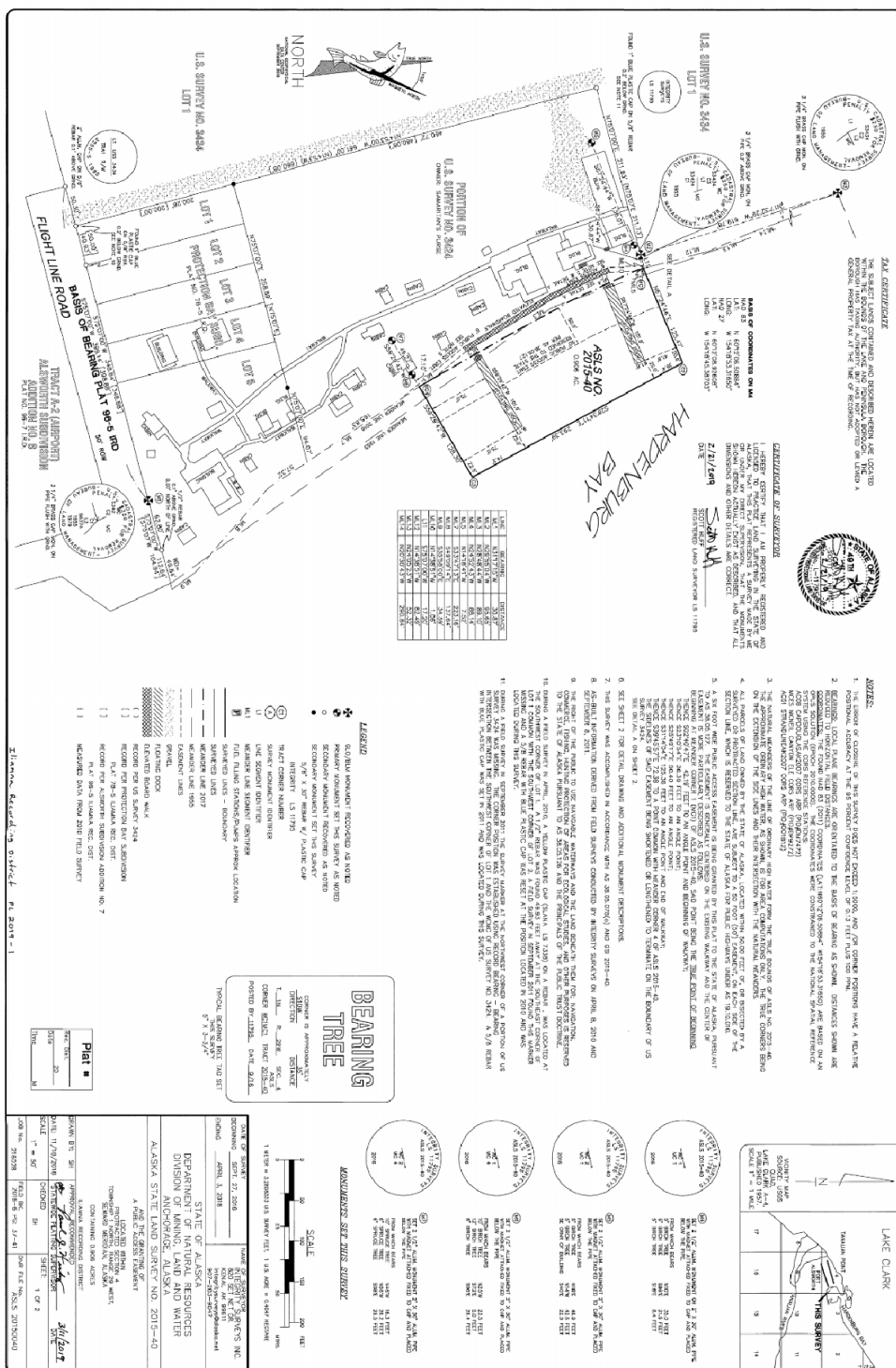
Attachment B Location Maps



Attachment B Location Maps



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