

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

Southcentral Regional Land Office

Memorandum of Decision

LAS 28864

Pebble Limited Partnership

Application for Land Use Permit

AS 38.05.850

Requested Action

The applicant is proposing the continued maintenance and use one approximately 6' x 8' enclosed shelter, and one 15 meter tall tower to house data logging and communication equipment and support meteorological equipment.

Proposed Action

The continued maintenance and use one meteorological tower station, consisting of one enclosed shelter approximately 6' x 8', and one 15-meter-tall-tower. The shelter will house meteorological instruments, data logger, and communication equipment.

Scope of Decision

The scope of this decision is to determine if it is appropriate to issue a permit for the use and benefit of Pebble Limited Partnership for the continued maintenance and use one approximately 6' x 8' enclosed shelter, and one 15-meter-tall tower to house data logging and communication equipment and support meteorological equipment. The administrative review for this authorization is limited to 1) reasonably foreseeable, significant effects of the uses to be authorized; 2) applicable statutes and regulations; 3) facts pertaining to the land or resources; and 4) issues that are material to the determination that issuing the authorization will best serve the interest of the State of Alaska.

Statutory Authority

This permit is being adjudicated pursuant to AS 38.05.850.

Location Information

Geographic Location: Located on the Alaska Peninsula, near Amakdedori Creek and Kamishak Bay.

Latitude: 59.28777 **Longitude:** 154.1440 **Datum:** NAD83

Legal Description: Section 27 of Township 10 South, Range 29 West, Seward Meridian

Other Land Information

Municipality: Kenai Peninsula Borough

Regional Corporation: Cook Inlet Region Inc.

Title

FG 25. Tentative approval issued March 1, 1989.

Planning & Classification

Kenai Area Plan, January 7, 2000, Region 12: West Side of Cook Inlet - South of Redoubt Bay, Unit 19: Bruin Bay uplands. Designation habitat.

Public Notice & Agency Review

Agency Review Summary

Agency review was originally conducted from February 19, 2013 to March 21, 2013. Agency review was conducted again, commencing June 21, 2018 and concluding July 23, 2018. The 2018 notice was sent to ADF&G, DEC, DOT&PF, EPA, NOAA NMFS, USACE, USFWS, USGS, and DNR Realty Services, DGGS, Division of Oil and Gas, Land Sales, Land Development, SHPO, and DPOR.

Agency Review Comment and Response

ADF&G has no objection to the issuance of this land use permit.

DOT&PF has no comments.

DNR Realty Services commented that the State received Tentative Approval to the township on 03/01/1989 and can't see any restrictions on the title or other interests of note to prevent issuance of the permit.

Public Notice Summary

Public notice was originally conducted from February 19, 2013 to March 21, 2013. Public notice was conducted again, commencing on June 21, 2018 and concluding July 23, 2018. The 2018 notice was sent to the Kenai Peninsula Borough, CIRI, Bristol Bay Native Corporation, Lake and Peninsula Borough, the Nunamta Aulukestai v. State of Alaska, Department of Natural Resources Plaintiffs, the Port Alsworth, Igiugig, and Pedro Bay post offices, and posted online the State of Alaska Online Public Notice website.

Public Notice Comment and Response

No comments were received.

Environmental Considerations

The environmental risks associated with the activity are minimized by the stipulations in the permit.

Performance Guaranty

Performance guarantees are means to assure performance and to provide ways to pay for corrective action if the permittee fails to comply with the requirements set forth in the permit document. They are also used to protect state land from damage and to make certain that improvements are removed and that the land is returned in a usable condition upon termination of the permit.

Pursuant to 11 AAC 96.060, a performance guaranty in the amount of \$5,490.00, typically in the form of a bond or other security, will be required.

Insurance

Insurance is a means to protect the state from liabilities incurred through the use of state property, or from damage to state property as a result of accidental or catastrophic events. This type of protection is necessary in the event of an accident or negligence that was consequentially connected to activities conducted on state land, and/or if the state is named in a lawsuit as a result of an accident or negligence.

Fees

Commercial storage of equipment.

Fee: \$600.00

Relevant Fee Regulation(s): 11 AAC 05.180(d)(2)(F)

Term

Effective Date: April 1, 2018

Expiration Date: March 31, 2023

Recommendation

Based upon the information provided by the applicant, as well as review of relevant planning documents, statutes, and regulations related to this application, it is my recommendation to issue this Land Use Permit on condition that all permit stipulations are followed as described in the attached permit. During the period of the permit an inspection may be conducted at the discretion of the DNR to ensure permit compliance.



Tisha Valentine
Natural Resource Specialist I

December 11, 2018

Date

Manager's Decision

It is the decision of this office to take the action as recommended above. This decision may be rescinded by written notification if, after 60 days from the effective date of this decision, the applicant has not completed all requirements outlined in this decision for issuance of the permit. Additional time may be allotted to complete these requirements at the applicant's request and concurrence of the Authorized Officer, however this will not extend the total term of the authorizations issued under this decision.



Clifford Larson
Natural Resource Manager I

December 11, 2018

Date

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 (907) 269-8918, or sent by e-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)(6), which has been set at \$200 under the provisions of 11 AAC 05.160 (a) and (b).

This decision takes effect immediately. 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.