GENERAL CONDITIONS

Tentatively Approved Lands

The state has not received final patent from the federal government for some land in this offering. Such lands are designated as tentatively approved. In this Remote Recreational Cabin Site offering, the following staking areas are all or in part on tentatively approved land: Crosswind Lake, a portion of Appel II, Snake River, and Dugan Hills.

Title for parcels on tentatively approved land will be conditioned on the State of Alaska receiving patent from the federal government. If for any reason the state does not receive patent to this tentatively approved land, a lease or sale will be canceled, and the money paid to lease or purchase the land will be refunded. The state has no further liability to the lessee, purchaser or any third party for the termination of the lease or contract (11 AAC 67.015).

Ordinarily, there is little risk of loss of title associated with tentatively approved land. However, there may be some problems. For example, if you resell your parcel before the state receives patent, a title insurance company might not provide title insurance unless the contingency is "excepted" from coverage.

Access

When possible, legal access to Remote Recreational Cabin Site staking areas will be shown on the individual staking maps. It is your responsibility to properly locate yourself on legal rights-of-way or section-line easements when crossing both public and private lands.

The state has no legal obligation to build roads or provide services to or within any staking area. Rights-of-way shown on the staking maps designate areas reserved for access but do not necessarily indicate the existence of a constructed road. In many cases roads have not been constructed. However, legal access does exist to all staking areas. For instance, access may be via section-line easements (unless the section-line easement has been vacated), platted rights-of-way, trail easements, navigable waterbodies or across unreserved state land. Physical access may be via roads, trails, fly-in, snowmachine, off-road vehicle, or boat. You should inquire at the DNR information office or borough land office to see if there is an existing road on a reserved right-of- way. Please note that legal access may not always equal practical access.

As provided in 11 AAC 96.020, there are certain "generally allowed" uses on state land managed by the Division of Mining, Land and Water that do not require a permit from DNR. Travel across unreserved state land may be made without a permit by the following methods:

- Hiking, backpacking, skiing, climbing, and other foot travel; bicycling; traveling by horse or dogsled or with pack animals.
- Using a highway vehicle with a curb weight of up to 10,000 pounds, such as a four-wheel drive vehicle or a pickup truck, or using a recreational-type vehicle off-road or all-terrain vehicle with a curb weight of up to 1,500 pounds, such as a snowmobile or four-wheeler, on or off an established road easement, if use off the road easement does not cause or contribute to water quality degradation, alteration of drainage systems, significant rutting, ground disturbance, or thermal erosion. An authorization is required from DNR (formerly ADF&G, Habitat and Restoration Division) for any motorized travel in fish bearing streams. Contact the Anchorage or Fairbanks DNR Office of Habitat Management and Permitting for further information.
- Landing an aircraft (such as a single-engine airplane or helicopter), or using watercraft (such as a boat, jet-ski, raft, or canoe), without damaging the land, including shoreland, tideland, and submerged land.

Limited trail construction may be allowed without a permit under certain conditions. Brushing or cutting a trail less than five feet wide using only hand-held tools such as a chainsaw (making a trail does not create a property right or interest in the trail) is generally allowed.

Check with your local DNR Public Information Office for further information regarding "Generally Allowed Uses on State Land."

Vehicles are required to use existing trails where possible. Where no trails exist, vehicles are required to use the legal access to minimize the number of trails across public lands. Moving heavy equipment, such as a bulldozer, is not authorized on state land without a permit. A permit can be obtained from the nearest DNR regional office.

Public access and utility easements, waterbody easements, and public or navigable waterways may not be obstructed or made unusable by the public.

RS 2477 Rights-of-Way

Revised Statute 2477 (RS 2477) is a federal law granting states and territories unrestricted rights-of-way over federal lands that had no existing reservations or private entries. Historic RS 2477 trails/roads may or may not exist on state land and the transfer of state land into private ownership does not extinguish pre-existing rights. Some RS 2477 rights-of-way could potentially be improved for access to valuable state resources, communities, and land. Others will be used as they have been in the past. Some may not be used at all, or may be developed only as foot trails. If in doubt whether there is an RS 2477 right-of-way across the property, consult with the landowner or land manager and with public land records. More information regarding RS 2477 rights-of-way is available at the local DNR Public Information Office and the DNR web site at www.dnr.state.ak.us/mlw/trails/.

Alaska Railroad Right-of-Way

The Alaska Railroad Corporation's 200-foot right-of-way, bridges, and trestles may NOT be used as legal access. Use of the railroad right-of-way is considered trespass and will be prosecuted (AS 11.46.330). The Alaska Railroad Corporation issues permits to cross the railroad. Contact the nearest railroad agent for more information.

Mineral Estate

The state retains ownership of all oil, gas, coal, ore, minerals, fissionable materials, geothermal resources, and fossils that may be in or upon the land it sells (AS 38.05.125). The state reserves the right to enter onto the land to explore for and develop these mineral resources. The state may lease them to mineral developers or allow mining locations to be staked. However, Alaska law provides that the surface owner will be compensated for damages resulting from mineral exploration and development (AS 38.05.130).

Mineral closing orders do not apply to leasable minerals, such as Oil and Gas Leases, Coal Leasing, Shallow Gas Leasing, or Exploration Licensing.

Wetlands

Most state land offerings contain areas of wetlands. Wetlands perform many important functions, including providing habitat for wildlife, preserving water quality, providing flood protection, and enhancing groundwater recharge. If a parcel contains wetlands, you may need a permit from the District Engineer of the U.S. Army Corps of Engineers before putting any dredged or fill material in wetlands (for example, to build a road, or any other land clearing activity involving land leveling). Dredging wetlands or adding fill without a valid permit can result in civil fines or criminal charges. For further information, or for a wetlands delineation, contact the U.S. Army Corps of Engineers.

Wildlife

Development activities may potentially displace wildlife. You are encouraged to contact the Alaska Department of Fish and Game (ADF&G) at (907) 267-2342 for information on how to minimize conflicts with wildlife.