

GENERAL CONDITIONS

Tentatively Approved Lands

The state has not received final patent from the federal government for some of the land in this offering. Such lands are designated as "tentatively approved". Title for parcels on tentatively approved land will be conditioned upon the state receiving patent from the federal government. Department regulations provide that if for any reason the state is denied patent to the land, a sale, lease or grant on this conditional basis will be canceled, and the money paid to purchase the land will be refunded. The state has no further liability to the lessee, purchaser, or any third party for termination of the contract (11 AAC 67.015).

Title to tentatively approved land will be conveyed via quitclaim deed. Ordinarily, there is little risk of loss of title associated with tentatively approved land, however, there may be practical problems including (1) title insurance companies may not provide title insurance unless this contingency is "excepted" from coverage, and (2) banks may not loan money for construction on, or the purchase of tentatively approved lands.

In this Remote Recreational Cabin Site offering, the following staking areas are all or in part on tentatively approved land: Taylor Mountain North and a portion of Cannon.

Access

When possible, legal access to Remote Recreational Cabin Site staking areas will be shown on the individual staking maps. The location of legal access to a parcel may also be obtained from the appropriate regional DNR Public Information Office. It is your responsibility to properly locate yourself when crossing both public and private land to ensure you are on a legal right-of-way or section-line easement. Establishing new routes or making improvements to existing rights of way or easements may require an authorization depending on the type of activity and the site specific conditions. You are advised to apply for an access easement to reserve legal access to your parcel.

The state has no legal obligation to build roads or provide services to or within any subdivision or parcel. Rights-of-way shown on the survey plats 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 parcels. For instance, access may be via section-line easements (unless the section-line easement has been vacated), platted rights-of-way, trail easements, navigable water bodies, or across unreserved state land.

Physical access may be on roads, trails, rivers and lakes by means of on- and off-road vehicles, snowmachines, airplanes, boats, or by foot. You should inquire at one of the DNR Public Information Offices or borough land office to see if there is an existing road on a reserved right-of-way. PLEASE BE ADVISED THAT LEGAL ACCESS TO A PARCEL DOES NOT NECESSARILY CONSTITUTE DEVELOPED OR PRACTICAL ACCESS.

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 (11 AAC 96.020). The fact sheet at www.dnr.state.ak.us/mlw/factsht/gen_allow_use.pdf contains more information about these generally allowed uses, including a list of areas where they do not apply and other restrictions.

Travel across unreserved state land may be made without a permit by the following methods:

- Hiking, backpacking, skiing, climbing, and other foot travel; bicycling; and traveling by horse, dogsled, or with pack animals.
- Using a highway vehicle with a curb weight of up to 10,000 pounds, including a four-wheel drive vehicle or a pickup truck, or using a recreational-type off-road or all-terrain vehicle with a curb weight of up to 1,500 pounds, such as a snowmachine 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 Office of Habitat Management and Permitting for any motorized travel in fish bearing streams. Contact and program information can be found on-line at www.dnr.state.ak.us/habitat.
- 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.

Access improvements on unreserved state land may be allowed without a permit under the following 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).
- Anchoring a mooring buoy in a lake, river, or marine waters, or placing a float, dock, boat haul out, floating breakwater, or boathouse in a lake, river, or in marine waters, for the personal, noncommercial use of the upland owner, if the use does not interfere with public access or another public use, and if the improvement is placed within the projected sidelines of the contiguous upland owner's parcel or otherwise has the consent of the affected upland owner.

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 appropriate 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 is a federal law that granted states and territories unrestricted rights-of-way over federal lands that had no existing reservations or private entries. Historic RS 2477 trails and/or roads may exist on state land and the transfer of state land into private ownership does not extinguish pre-existing rights. Some 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 parcel, check the public land records. More information regarding RS 2477 rights-of-way is available at any of the DNR Public Information Offices, and on-line at www.dnr.state.ak.us/mlw/trails/rs2477.

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 that 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 also provides that the surface owner will be compensated for damages resulting from mineral exploration and development (AS 38.05.130).

Mineral closing orders, where they have been established, close the area to exploration and development of locatable minerals such as gold, copper, platinum, etc. Mineral closing orders do not apply to oil and gas leasing, coal leasing, shallow gas leasing, or exploration licensing, nor do they preclude reasonable surface access to these resources.



Access to the Cannon staking area is possible by ski plane during the winter or float plane during the summer on the Kantishna River.

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. Before putting any dredged or fill material in wetlands (for example, to build a road, or any other land-clearing activity involving land leveling), purchasers may need a permit from the District Engineer of the U.S. Army Corps of Engineers. 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 at (907) 267-2342 for information on how to minimize conflicts with wildlife.

Fish & Habitat Requirements

Conducting any development activity below the ordinary high water line of a specified anadromous waterbody requires the prior written approval of DNR (formerly ADF&G, Habitat and Restoration Division), pursuant to AS 41.14.870. These development activities include, but are not limited to: constructing dams, bank protection, dock construction (including the installation or replacement of pilings), culvert installation, crossing streams with vehicles, in-water dredging, debris removal and water withdrawals. DNR is responsible for reviewing and, if appropriate, issuing permits for these projects pursuant to state law, AS 41.14.870. The DNR Office of Habitat Management and Permitting administers all Fish Habitat Permits. If you conduct any development activity below the ordinary high water line of a specified anadromous waterbody without notifying and receiving the prior written approval from DNR, you are violating state law and may be charged with a Class A misdemeanor. Contact DNR for more information on obtaining permits.

Fish & Game Requirements

Alaska Department of Fish and Game regulations allow taking game in defense of life or property only when all other practical means to protect life and property have been exhausted and the necessity for taking the animal is not brought about by harassment or provocation of the animal, by unreasonable invasion of the animal's habitat, or by the improper disposal of garbage or a similar attractive nuisance.

Taxes

Parcels are subject to taxes and assessments levied by local taxing authorities. Failure to pay property taxes on parcels under lease or purchase contract with the state is a violation of the lease agreement or purchase contract and may result in termination of the lease or purchase contract. Please contact your local tax authority concerning the calculation of the assessed values of your leased recreational site. Local taxing authorities for this offering include:

- Denali Borough 907-683-1330

Sewer and Water

No individual water supply system or sewage disposal system shall be permitted on any parcel unless such system is located, constructed, and equipped in accordance with the requirements of the Alaska Department of Environmental Conservation (ADEC). Approval of such system shall be obtained from ADEC.

Water Rights

To obtain water rights, you must apply for a permit from the Division of Mining, Land & Water. Applications for water rights are available at the local DNR Public Information Offices and the DNR web page at www.dnr.state.ak.us/mlw/water/.



Establishing a defensible space is an important fire mitigation method. (Private property within Cannon staking area).

Fire Protection

Some state lands are in areas without fire protection or with only limited fire protection. The state assumes no duty to fight fires in these areas. Wildfires should be considered a serious potential hazard even in areas designated for fire protection. If you wish to develop your parcel, you should plan on implementing wildfire mitigation methods, including establishing a defensible space. Existing interagency programs, such as FIREWISE at www.firewise.org, can provide prospective landowners with valuable information regarding wildfire mitigation.

In specific areas of the state, burning permits are required for all burning other than fires contained within an approved device, and fires used for signaling, cooking or warming. All other burning in the permit areas requires a permit during the fire season.

There are potential liabilities if your fire escapes control (AS 41.15.060, AS 41.15.090). For further information regarding wildfire mitigation and burning permits, contact the regional DNR Division of Forestry office. A list of their locations, addresses, and telephone numbers may be obtained from any of the DNR Public Information Offices as well as on-line at www.dnr.state.ak.us/forestry.

Timber and Other Building Materials on Site

Before receiving title to state land, purchasers are strictly prohibited from selling or removing from the parcel any surface resource such as stone, gravel, sand, peat, topsoil, timber, or any other material valuable for commercial or off-site purposes. Such materials may be used only on the parcel.

The DNR Division of Forestry issues personal use permits for the purchase of fuel wood obtained from state land outside your parcel boundaries. Personal use contracts are also issued for the purchase of house logs and saw logs. Contact the appropriate regional DNR Division of Forestry office well in advance of need. Commercial sale of timber is not allowed.

Archaeological Sites

The Alaska Historic Preservation Act prohibits the appropriation, excavation, removal, injury, or destruction of any state-owned historic, prehistoric (paleontological), or archaeological site without a permit from the Commissioner of the Department of Natural Resources (AS 41.35.200). Should any sites be discovered during the development, activities that may damage the site will cease. The Office of History and Archaeology in the DNR Division of Parks and Outdoor Recreation (907) 269-8721 and the appropriate coastal district shall be notified immediately.

Eagle Nesting Sites

Federal law prohibits any disturbance of bald eagles or their nests. The U.S. Fish & Wildlife Service (USFWS) enforces this law. The USFWS generally recommends no clearing of vegetation within 330 feet of any nest. No construction or other potentially disturbing activity should occur within 660 feet of any nest between March 1 and June 1. Between June 1 and August 31, no construction activity should occur within 660 feet of active eagle nests until after juvenile birds have fledged. Nest trees should not be disturbed at all. Consult with USFWS on the siting of structures and roads or cutting mature trees within 330 feet of a nest tree.

Use of Adjacent State Land

Uses of unreserved state land that are not "generally allowed" (see the Department of Natural Resources Fact Sheet "Generally Allowed Uses on State Land" available at DNR Public Information Offices) may require a land use authorization from DNR. Lease or ownership of a remote recreational cabin site does not imply exclusive use of surrounding state lands.

Restrictions on Subdividing

You may not subdivide or re-plot the land prior to receiving title. After title is conveyed, subdividing of any parcel must comply with state or local platting requirements and in accordance with the requirements of the Alaska Department of Environmental Conservation (ADEC).

Easements, Reservations & Restrictions

All staking areas are subject to various rights-of-way, easements, setbacks, roads, trails, and other restrictions. You may not construct buildings or in any way obstruct public access or utility easements. All state-owned land bordering surveyed or protracted (un-surveyed) section lines has a reservation for rights-of-way fifty (50) feet in width. Total width of section line rights-of-way will be one hundred (100) feet where the state owns land on both sides of the section line. It is your responsibility to review the staking map and instructions thoroughly to determine what restrictions, if any, may affect your staking area. You must meet any borough or state standards and obtain any required permits before developing any easement.

Right to Adjourn/Postpone/Cancel

DNR reserves the right to adjourn, postpone, or cancel a land offering, in whole or in part, at any time prior to or during the offering, if necessary, to protect the interests of the State of Alaska. Staking areas or authorizations may be withdrawn at any time prior to or during the offering period.

Future Offerings

The state reserves the right to offer additional parcels of land adjacent to or near previously sold parcels, thereby potentially increasing the population density in that area. The department may also identify and survey additional parcels in a staking area up to the total number of stakings authorized during the staking period, to be offered for sale at a later time.

Brochure Amendments

This brochure is intended for informational purposes only and does not constitute an offer to sell. At times, modifications in the terms of a land offering become necessary after the publication of the brochure. Changes are announced and published as soon as possible in supplemental information sheets called errata. You may obtain a copy of new or existing errata from the DNR Public Information Offices or on-line at www.dnr.state.ak.us/mlw/landsale.

It is your responsibility to keep informed of any changes or corrections prior to submitting an application. DNR reserves the right to make changes up to the time a contract or patent is issued. DNR reserves the right to waive technical defects or errors in this publication.

Acronyms & Abbreviations Used In This Brochure

AAC	Alaska Administrative Code
ADEC	Alaska Department of Environmental Conservation
ADF&G	Alaska Department of Fish and Game
ADL	Alaska Division of Lands (case number prefix)
AS	Alaska Statute
ASCS	Alaska State Cadastral Survey
ASLS	Alaska State Land Survey
ACOE	Army Corps of Engineers
AZ MK	Azimuth Mark
CM	Control Monument
CS	Cadastral Survey/Control Survey
DNR	Department of Natural Resources
ESM	Easement
EV	Easement Vacation
HWM	High Water Mark
MS	Material Site
ORV	Off-Road Vehicle
PIC	Public Information Center
R	Range (as in "R4W" - "Range 4 West")
RST	Revised Statute 2477 Right-of-Way (case number prefix)
T	Township (as in "T6N" - "Township 6 North")
TR	Tract
USGS	United States Geological Survey
USS	United States Survey