

GENERAL CONDITIONS

Tentatively Approved Lands

The State of Alaska may not yet have 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 of Alaska receiving patent from the federal government.

In accordance with 11 AAC 67.015 Land Available, in addition to selling, leasing, or granting patented land, the division (DMLW) may conditionally sell, lease, or grant land that has been tentatively approved by the federal government for patent to the State, but that is not yet patented. A sale, lease, or grant on this conditional basis will be cancelled if the state is denied title to the land. Money paid to the State to purchase such land will be refunded, or may be applied to the purchase of another parcel. Based on the date of cancellation, a pro rata portion of money paid in advance to lease such land will be refunded, or may be applied to the lease of another parcel. The state is in no way liable for any damage that may be done to the land by the purchaser, lessee, or grantee, or liable for any claim of any third party or for any claim that may arise from ownership. If the state does receive title to the land, the conditional sale, lease, or grant then has the same effect as other sales, leases, or grants.

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.

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 Sites offering, the following staking areas are all or in part on tentatively approved land: Albert Creek and Kakhonak Lake.



No Warranty or Suitability or Fitness

Important: In accordance with 11 AAC 67.022 No Warranty Implied, by selling, granting, or leasing land, the State does not give or imply any warranty as to the land's fitness, use, or suitability, or whether public utilities or services will be provided. It is the responsibility of the purchaser, grantee, or lessee to determine whether the land will meet their needs.

Parcels will be sold 'AS IS' and 'WHERE IS' with all faults, and in the condition as of the date of sale, with no guarantees, expressed nor implied, as to suitability or fitness for any intended use, or whether public utilities or services will be provided.

The State of Alaska makes no warranty, expressed nor implied, nor assumes any liability whatsoever, regarding the social, economic, or environmental aspects of the parcel, including, without limitation, the soil conditions, water drainage, access, natural or artificial hazards that may exist, or the profitability of the parcel.

It is the responsibility of all interested parties to inspect the parcel and be thoroughly acquainted with the parcel's condition prior to applying for a lease, contract, or patent. It is also the responsibility of all interested parties to determine and consider encumbrances or the possibility of encumbrances, which may affect the use of the property, including those of record or apparent by inspection of the property, in your decision to enter into a lease, contract, or purchase.

Access

When possible, legal access to Remote Recreational Cabin Sites 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 Center. 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 and to avoid trespass. It is important to note that while access may be legally reserved, it may not yet be improved.

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 of Alaska has no legal obligation to build roads or provide services to or within any 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, all-terrain vehicles, dogsled, or by foot. You should inquire at one of the DNR Public Information Centers 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-owned land managed by the Division of Mining, Land, and Water that do not require a permit from DNR (11 AAC 96.020 Generally Allowed Uses and 11 AAC 96.025 Conditions for Generally Allowed Uses). The fact sheet at http://dnr.alaska.gov/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 snowmobile (or other tracked vehicle), motorcycle or ATV, 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. Use of larger off-road vehicles over 1,500 pounds curb weight and the off-road travel of construction and mining equipment requires a permit from DNR. An authorization is required from the State of Alaska, Department of Fish and Game, Division of Habitat for any motorized travel in fish bearing streams. Contact and program information can be found online at <http://habitat.adfg.alaska.gov>.
- 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, water body 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 across or 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 to or across a 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 <http://dnr.alaska.gov/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 Criminal Trespass in the Second Degree).

The Alaska Railroad Corporation may issue permits to cross the railroad. Contact the nearest railroad agent for more information at: <http://alaskarailroad.com>.

Use of Adjacent State Land

Uses of unreserved state land, other than those uses stated in 11 AAC 96.020 Generally Allowed Uses, 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-owned lands.

Restrictions on Subdividing

You may not subdivide or re-plat 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 other agencies such as the State of Alaska, Department of Environmental Conservation, the United States Army Corps of Engineers, relevant municipalities, relevant Homeowners' Associations, and the like. See Land Records, Survey Plats, and Maps section of this brochure for additional information.

Hazardous Materials and Potential Contaminants

Interested parties are responsible for inspecting the property and familiarizing themselves with the condition and quality of the land. Unless otherwise noted herein, there are no known environmental hazards present within the parcels offered. However, DNR has not necessarily inspected all the parcels in this brochure to determine if refuse or hazardous waste is present. The State of Alaska makes no representations or warranties, expressed nor implied, concerning the existence or absence of any hazardous substances, hazardous wastes, contaminants, or pollutants on the land here proposed for conveyance. The State of Alaska further assumes no liability for the removal of hazardous substances, hazardous wastes, contaminants, or pollutants, nor for the remediation of the site should such substances eventually be found. The purchaser of the parcel is responsible for the disposal of any existing refuse or wastes.



Easements, Reservations, and Restrictions

All staking areas offered in this brochure are subject to all platted and valid existing easements and reservations such as various rights-of-way, building setbacks, utility easements, pedestrian easements, roads, trails, and other restrictions.

All State-owned land bordering surveyed or protracted (unsurveyed) section lines has a reserved public access easement usually 33 or 50 feet in width along each side of the section line, unless the easement has been vacated or officially removed. All public access easements, including those along public or navigable water bodies, are reserved for public use. You may not obstruct public access easements or make them unusable by the public.

It is your responsibility to review the staking map, instructions, and additional source documents 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. Contact the appropriate Public Information Center before constructing access, especially within surveyed or unsurveyed section line easements.

Mineral Estate

In accordance with AS 38.05.125 Reservation of Mineral Rights to Alaska, 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. The State of Alaska and its successors reserve the right to enter onto the land for the purposes of exploring, developing, and producing these reserved mineral resources. Under common law, this access reservation is superior to any and all surface uses. The State of Alaska may also lease these interests to mineral developers or allow mining locations to be staked. Mineral orders that closed that area to new mineral entry, where they have been established, closed the area to new exploration and development of locatable minerals such as gold, copper, platinum, etc. Such mineral orders do not apply to leasable minerals, including oil and gas leasing, coal leasing, shallow gas leasing, or exploration licensing for such, nor do they preclude reasonable surface access to these resources. However, AS 38.05.130 Damages and Posting of Bond stipulates that the surface owner will be compensated for damages resulting from exploration and development.

Mining activity would be incompatible with the past, current, and proposed surface uses for land disposals. To allow new mineral location within the boundaries of the parcels offered for sale could create serious conflicts between surface and subsurface users. Area plan subsurface management policy states that, in general, areas scheduled for disposal will be closed to mineral entry prior to sale to minimize potential conflict between surface and subsurface users. Mineral status is noted on the data summaries for each area described in this brochure.

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 State of Alaska, Department of Environmental Conservation (DEC). Approval of such system shall be obtained from DEC.

Water Rights and Usage

Depending on your usage, construction plans, or demand relative to supply of water in the area, you may be required to obtain a water right or permit.

Certain activities involving the diversion of water, even temporary routing during trail or road construction, may require advance authorizations. For information, contact DNR's Division of Mining, Land, and Water, Water Resources Section. Information and applications are also available at any of the Public Information Centers and online at: <http://dnr.alaska.gov/mlw/water/>.

Fire

Some state lands are in areas without fire protection or with only limited fire protection. The State of Alaska assumes no duty to fight fires in these areas. Wildfires should be considered a serious potential hazard even in areas designated for fire protection. Visit DNR's Division of Forestry's Fire Information web page online at <http://forestry.alaska.gov/fire/fireplans.htm> for full descriptions of current Interagency Fire Management Plans and more information.

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, can provide prospective landowners with valuable information regarding wildfire mitigation. To find out more, visit: <http://firewise.org>.

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 Permits, AS 41.15.090 Building or Leaving Fire). 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 online at <http://forestry.alaska.gov/>.

Timber and Other Building Materials on Site

Before receiving patent 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. Local governments may have additional restrictions regarding on-site material use after receiving title. For more information, contact your local government and the DNR Public Information Center.

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.

Eagle Nesting Sites

Federal law prohibits any disturbance of bald eagles or their nests. The U.S. Fish and Wildlife Service (USFWS) enforces this law. The USFWS generally recommends no clearing of vegetation within 330 feet of any nest. Additionally, no construction or other potentially disturbing activity should occur within 660 feet of any nest between March 1 and June 1. Further, 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.



Wetlands

Some State-owned land offerings contain waters of the United States, including wetlands. Section 10 of the Federal Rivers and Harbors Act requires a permit for any structures or work in navigable waters of the United States, which includes those waters subject to the ebb and flow of the tide and/or presently used, have been used in the past, or may be used in the future to transport interstate or foreign commerce. Section 404 of the Federal Clean Water Act requires a permit for the discharge of dredged or fill material into all waters of the United States, including 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 and/or waters (for example, to build a road, or any other land clearing activities), and/or before working or placing any structures in such waters (for example, dredging, or constructing a dock or pier), purchasers must obtain a permit from the U.S. Army Corps of Engineers.

Working or building structures in waters of the United States and/or discharging dredged or fill material into waters of the United States, including wetlands, without a valid permit may result in civil fines or criminal charges. A wetland determination or delineation may be required before any construction can occur. For a wetland determination on your parcel or more information on permit requirements contact the U.S. Army Corps of Engineers, Alaska District, at (800) 478-2712 or visit:

<http://www.poa.usace.army.mil/hm/default.htm>



Migratory Birds

The Federal Migratory Bird Treaty Act prohibits the disturbance or destruction of nest areas during nesting season. Nearly all bird species in Alaska are migratory and subject to protection under the Act. Compliance with the Act would preclude road construction activities during nesting season. Additional information is available from the USFWS at:

<http://fws.gov/pacific/migratorybirds/>.

Fish Habitat Requirements

The Fishway Act, AS 16.05.841, requires that an individual or governmental agency notify and obtain authorization from the State of Alaska, Department of Fish and Game (DFG), Division of Habitat for activities within or across a stream used by fish if DFG determines that such uses or activities could represent an impediment to the efficient passage of fish.

The Anadromous Fish Act (AS 16.05.871) requires that an individual or governmental agency provide prior notification and obtain approval from the DFG, Division of Habitat "to construct a hydraulic project or use, divert, obstruct, pollute, or change the natural flow or bed" of an anadromous water body or "to use wheeled, tracked, or excavating equipment or log-dragging equipment in the bed" of an anadromous water body. All activities within or across an anadromous water body and all instream activities affecting a specified anadromous water body require approval from the Division of Habitat.

Fish Habitat Permit Applications and a list of common activities that require permits are available at <http://www.adfg.alaska.gov/index.cfm?adfg=uslicense.main>. Activities include, but are not limited to: stream diversion; streambank or streambed disturbance (boat launches or dock construction for example); gravel removal; stream crossings; bridge or culvert construction and maintenance; streambank restoration/protection, erosion control; stream fluming; ice bridge/road construction; placer mining activities; recreational suction dredging; and use of explosives near stream corridors.

If you conduct any activity below ordinary high water of an anadromous water body or impede the efficient passage of fish without notifying and receiving the prior written approval from DFG, you are violating state law and may be charged with a misdemeanor. Contact DFG, Division of Habitat for more information on obtaining permits.

Fish & Game Requirements

State of Alaska, Department of Fish and Game (DFG) 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.

5 AAC 92.410. Taking game in defense of life or property

- (a) Nothing in 5 AAC prohibits a person from taking game in defense of life or property if
- (1) the necessity for the taking is not brought about by harassment or provocation of the animal, or by an unreasonable invasion of the animal's habitat;
 - (2) the necessity for the taking is not brought about by the improper disposal of garbage or a similar attractive nuisance; and
 - (3) all other practicable means to protect life and property are exhausted before the game is taken.
- (b) Game taken in defense of life or property is the property of the state. A person taking such game shall immediately
- (1) salvage and surrender to the department
 - (A) hide and skull of a bear, completely removed from the carcass, including all attached claws;
 - (B) hide and skull of fur animals or furbearers;
 - (C) meat and antlers or horns of ungulates;
 - (D) meat of all other game not specified in (A)-(C) of this paragraph;
 - (2) notify the department of the taking; and
 - (3) submit to the department a completed questionnaire concerning the circumstances of taking of the game within 15 days after taking the game.
- (c) As used in this section, "property" means
- (1) a dwelling, permanent or temporary;
 - (2) an aircraft, boat, automobile, or other conveyance;
 - (3) a domesticated animal;
 - (4) other property of substantial value necessary for the livelihood or survival of the owner.

Staking periods may overlap with certain hunting seasons. Check with DFG to find out the hunting season dates for the staking areas. More information is available at: <http://adfg.alaska.gov>.

Wildlife

There is always the possibility of encountering bears and other wildlife when in remote locations in Alaska. The State of Alaska, Department of Fish and Game's website (listed below) makes the following suggestions:

- Avoid surprising bears at close distance; look for signs of bears and make plenty of noise.
- Avoid crowding bears; respect their "personal space."
- Avoid attracting bears through improper handling of food or garbage.
- Plan ahead, stay calm, identify yourself, don't run.



We remind you to be aware of your surroundings and diligent when staking or visiting any site in the Alaska wilderness. Bears and all wild animals deserve your attention and respect. For additional information on traveling and working near wildlife, please contact any of the Public Information Centers or visit the following websites:

Provided by the DFG:

<http://adfg.alaska.gov/index.cfm?adfg=livingwithbears.main>
<http://adfg.alaska.gov/index.cfm?adfg=livewith.moose>

Provided by DNR's Division of Parks and Outdoor Recreation:

<http://dnr.alaska.gov/parks/safety/bears.htm>

Development activities may potentially displace wildlife. You are encouraged to contact DFG for information on how to minimize conflicts with wildlife.

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Archaeological Sites

The Alaska Historic Preservation Act prohibits the appropriation, excavation, removal, injury, or destruction of any historic, prehistoric (paleontological), or archaeological site without a permit from the Commissioner of the Department of Natural Resources (AS 41.35.200 Unlawful Acts). Should any sites be discovered, activities that may damage the site must cease and the Office of History and Archaeology (OHA) in the DNR Division of Parks and Outdoor Recreation must be notified immediately. To contact OHA, visit: <http://dnr.alaska.gov/parks/oha/> or call (907) 269-8721.

Right to Adjourn/Postpone/Cancel

DNR reserves the right to postpone or cancel an offering, in whole or in part, if necessary to protect the interest of the State of Alaska. Such a postponement or cancellation may occur at any time prior to or during the offering, even after the applicant has been notified, but prior to DNR signing a final conveyance document. In the event that DNR cancels an offering, applicable fees, deposits, or payments may be refunded. This brochure is intended for informational purposes only and does not constitute an offer to sell.

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. Public notices about potential activities nearby are available from DNR Public Information Centers.

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 online at <http://dnr.alaska.gov/mlw/landsale>.

It is your responsibility to stay 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.

Taxes

Parcels are subject to taxes and assessments levied by local taxing authorities. Failure to make timely payment of all taxes and assessments on parcels under lease or purchase contract with the State of Alaska 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: Kakhonak Lake:

- Kenai Peninsula Borough (907) 714-2304



REMOTE RECREATIONAL CABIN SITES STAKING AREA INFORMATION – 2012 OFFERING # 11

NORTHERN REGION

| Area No. | Area Name | Gross Acres | Net Acres | Stakings Allowed | Minimum Parcel Size | Maximum Parcel Size | Staking Opening Date | Staking Closing Date | Borough |
|---------------|---------------|---------------|--------------|------------------|---------------------|---------------------|----------------------|----------------------|-------------|
| 1111103 | Albert Creek | 9,000 | 1,000 | 50 | 5 ac. | 20 ac. | June 8, 2012 | Mar 18, 2013 | Unorganized |
| 1111104 | Teklanika III | 9,800 | 500 | 25 | nominal 5 ac. | 20 ac. | June 8, 2012 | Mar 18, 2013 | Unorganized |
| 1111105 | Zitziana | 55,000 | 1,000 | 50 | 5 ac. | 20 ac. | June 8, 2012 | Mar 18, 2013 | Unorganized |
| TOTALS | | 73,800 | 2,500 | 125 | | | | | |

SOUTHCENTRAL REGION

| Area No. | Area Name | Gross Acres | Net Acres | Stakings Allowed | Minimum Parcel Size | Maximum Parcel Size | Staking Opening Date | Staking Closing Date | Borough |
|---------------|----------------|---------------|--------------|------------------|---------------------|---------------------|----------------------|----------------------|-----------------|
| 1111201 | Aniak-Doestock | 10,240 | 1,200 | 60 | 5 ac. | 20 ac. | June 8, 2012 | Mar 18, 2013 | Unorganized |
| 1111202 | Kakhonak Lake | 4,996 | 800 | 40 | 5 ac. | 20 ac. | June 8, 2012 | Mar 18, 2013 | Kenai Peninsula |
| TOTALS | | 15,236 | 2000 | 100 | | | | | |
| GRAND | TOTAL | 89,036 | 4,500 | 225 | | | | | |