

	USFS	BLM	FWS
Main applicable regulations	36 CFR 251 (land use) Alaska-Specific: No	43 CFR 2800 (rights-of-way) Alaska-Specific: No	50 CFR 36.33 (cabins) Alaska-Specific: Yes
Main applicable policies & guidance	Alaska Supplement to FSH 2709.11 (Chap 40); reserved, unused spot in FSH 2723.74.	Alaska Supplement to BLM Manual 2920 (1987); IM-AK-2014-010; IM-AK-2014-022.	Regional Policy NWRS 710-130; 610 FW 5 (Wilderness).
Available method(s) of authorization	Special Use Authorization	Special Use Permit; Lease	Special Use Permit
NEPA compliance, generally	New Cabin: EA, EIS Existing Cabin: CatEx, EA	New Cabin: EA, EIS Existing Cabin: CatEx, EA	New Cabin: EA, EIS Existing Cabin: CatEx, EA
Cost of permitting, generally	Advance annual rental (at least one year); 36 CFR 251.57(a). Application processing and compliance monitoring costs; 36 CFR 251.58. Costs will likely include an EA/EIS if 50+ hours of agency time is required; <i>see</i> 36 CFR 251.51.	Advance annual rental based on fair market value or competitive bidding; 43 CFR 2920.8(a)(1). Nonrefundable processing and monitoring fee; 43 CFR 2920.8(b)-(d). Costs, fees paid or application is not accepted; IM-AK-2012-010.	Established by regional/national FWS policy 50 CFR 36.41(f).
Authority to recover costs from applicant	31 USC 9701; 36 CFR 251.54(e)(3)(iv), 251.58.	31 USC 9701; 43 USC 1734; 43 CFR 2920.6.	n/a (flat \$100 fee for permits)
Authority to request bonding/financial assurances	36 CFR 251.56(e); <i>see also</i> 36 CFR 251.54(d)(3), (e)(3)(iv).	43 CFR 2920.7(g), 2920.5-2(b)(3).	n/a (not currently requested)
Discretionary waiver process for fees and costs	36 CFR 251.58(f)-(g)	43 CFR 2806.15	Automatic waivers for certain uses in policy at 4(b).
Written or oral applications available	Both; 36 CFR 251.54(b).	Not stated; 43 USC §1732(b).	Both; 50 CFR 36.41(d)(2).
Activities or uses allowed under a permit, generally	Use that is consistent with: the laws, regulations, orders, and policies establishing or governing FS lands and others; standards and guidelines in the applicable forest plan; public health and safety; other use(s). No gambling, commercial sex services, military/paramilitary training, some waste disposals. 36 CFR 251.54(e)(1). Must be compatible with purposes for which lands are managed and in the public interest; 36 CFR 251.54(e)(5), 251.56(a)(1)(ii).	Use, occupancy, and development of the public lands, including habitation, cultivation, trade and manufacturing; 43 USC 1732. Must comply with air and water quality standards, health and safety guidelines, and be compatible with the public interest, involving little to no improvement, construction, or investment unless the it can be amortized within the permit term; 48 CFR 2920.1-2(b).	Alaska refuges are open until closed to public recreational activities; 50 CFR 36.31. Use must be appropriate and compatible with refuge purposes, or necessary to protect the health and safety of the public or any fish or wildlife population; 50 CFR 25.21. Permits are available for “economic and other privileged” uses; 50 CFR 36.41.

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Specified cabin-eligible types of activities or uses	Isolated, Recreational, Customary and Traditional	Subsistence, Commercial, Special Use, Recreation, Winter-Use-Only Trapping	Subsistence, Commercial, Commercial Fishing Rights, Trapping
Is there a definition of “private recreational use”?	No; private recreation-related definitions do not clarify what constitutes “recreational use.”	No; permits simply cannot be allowed for “recreational uses” of cabins.	Yes; uses associated with leisure activities, not including subsistence uses; 50 CFR 36.33(a).
Is there a definition of “traditional and customary use”?	No	No	No
Is there a definition of “immediate family members”?	Yes; parents and children in the same household as of 12/2/80 who previously used the facilities; FSH 2709.11.5.	No	Yes; spouse and children, either by birth or adoption; 50 CFR 36.33(a).
Is there a definition of “public use cabin”?	No	No	Yes; owned and administered by FWS for use by the public; 50 CFR 36.33(a).
Is “subsistence” use of cabins limited to federally qualified subsistence users or to particular activities?	n/a (no “subsistence” category of cabins)	No	Yes; policy at 3(b) and 50 CFR 36.33(d)(1).
What qualifies as “commercial” use of a cabin?	Entry/participation fee charged or the primary purpose is the sale of a good or service; does not matter if profit is intended; 36 CFR 251.51.	Intent to produce a profit by allowing use by an additional party; 43 CFR 2801.5(b); <i>see also</i> 43 CFR 2930. Includes trapping, per policy.	Association with a commercial operation including commercial fishing and recreational guiding; 50 CFR 36.33(a).
Can permits be issued to more than one person?	Yes, with an agent noted; 36 CFR 251.54(d). One family only; FSH 2709.11.6.	Not specified	Yes; 50 CFR 36.33(c)(2)(viii).
Number of structures per permit	No limit specified. A group of applications for similar uses having minor impacts can be evaluated as one decision; 36 CFR 251.54(g)(4). <i>See also</i> 36 CFR 251.55(d).	No limit specified; 43 CFR 2920.5-2(2).	No limit specified; 50 CFR 36.33(b)(1).
Can others use the cabin in the permittee’s absence?	Yes; unless in an emergency, advance written permission must be obtained from the permittee and made available for inspection. Can sublet with agency approval; 36 CFR 251.55(a).	Not specified; for Commercial (not Special Use), can rent, sublet or lease with agency approval, per policy.	Yes, with a letter of authorization from the permittee in their possession; no for commercial cabins; 50 CFR 36.33(b)(5) and (c)(4).

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Size limitations on cabins and/or appurtenant facilities	None specified	Some, <i>see</i> policy at 2920.7.	None specified
Cabin-specific occupancy and use limitations	Permit is limited to non-recreational, customary and traditional uses; no subletting; permittees must be over 18. FSH 2709.11.2.	No recreational use permits or residences (with exceptions). To qualify for a permit/lease, agency fees and construction costs must be amortized over the term of the authorization. Multiple limits on use in policy, based on type of cabin authorized, including a list of potential terms and conditions.	No recreational use permits; personal use cabin occupancy limited to permittee, family, partners, and approved guests; commercial occupancy by employees, their families, guests, and clients with permittee present. 50 CFR 36.33(b)(4), (c)(4), (d)(6), (e)(4).
Specified terms and conditions for new cabins	New cabins only where necessary for administration or to continue ongoing uses in an area (neither of which tend to require a permanent structure) and no alternative sites exist; the U.S. will own new cabins. FSH 2709.11.18.	Certain declarations required depending on type of cabin being applied for; <i>see, e.g.</i> , policy at 2920.21.B. If using natural materials, permit may need to be accompanied by a house log sale contract and firewood permit; policy at 2920.72. Failure to construct up to 18-months after issuance may result in cancellation.	Compatible with refuge purpose, needed for continuation of an ongoing activity historically supported by cabins in the area; in general, permits given only to local residents for subsistence; no permits for wilderness except for trapping where it is a “customary and traditional” use; 50 CFR 36.33(d)(1)-(2).
Specified terms and conditions for existing cabins	Permits will be made to individuals with right of survivorship to immediate members of the family presently using the cabin; FSH 2709.11.5.	Current permit holder given preference for renewal, renewal subject to new terms and conditions; 43 CFR 2920.8(h)-(i).	Existing permit on 12/2/80 continued under same conditions; owner can sell their interest in the cabin, but new owner must apply for new permit; 50 CFR 36.33(c)(1).
Specified terms and conditions for improvements or maintenance	Only routine maintenance will be allowed, no add-ons. FSH 2709.11.20. Authorization letter required. Restrictions increasingly imposed on the use of mechanized tools in designated Wilderness, despite FSM Supp R-10 2300-2008-2.	Authorized officer will inspect and monitor for compliance and environment and public health/welfare; 43 CFR 2920.9-2. Vegetation must be left in natural state without authorization or unless cleared for fire prevention.	Must be approved by the refuge manager before construction begins; modifications to existing cabins are property of the permittee; reconstruction must meet guidelines for new cabins; 50 CFR 36.33(c)(5).

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Specified terms and conditions for basic renewals	Same thing, same place, add in any changes in law/mgmt, old decision document works, and still in compliance with prior permit; 36 CFR 251.64.	May be automatically renewed with annual rent payment if so specified in permit; 43 CFR 2920.7(i).	Renewable until continuation threatens or impairs refuge purpose; 50 CFR 36.33(c)(1), (d)(3).
Specified terms and conditions for early termination	Can a terminate permit for noncompliance, failure to use, consensually, health/safety of public/environment, or if in the public interest; 36 CFR 251.60(a)(2), (f).	Noncompliance, failure to use or construct, mutual agreement, nonpayment of rent for 2 consecutive months, for land disposal, immediate suspension for health/safety of public/environment; 43 CFR 1920.9-3(a), (b).	Noncompliance, failure to use, criminal convictions related to activity authorized by permit, incompatible with refuge purposes; 50 CFR 36.41(h).
Does permittee(s) maintain a proprietary interest in the cabin and appurtenant facilities?	Potentially; FSH 2709.11.21.	No	Yes for an existing cabin, no for a new cabin; 50 CFR 36.33(c)(1), (d)(2)(v).
Options for removing structures and property on permit expiration or termination	Required: must remove and restore within a reasonable time or be liable for cost of same, unless waived; 36 CFR 251.60(h)(2)(i).	Required: must remove and restore within 60 days of notice, structures become property of U.S. if not removed within a reasonable period, sill liable for removal cost; 43 CFR 2920.9-3(d).	Required: must remove within one year from receipt of nonrenewal/revocation notice; 50 CFR 36.33(c)(2)(vi).
Does permittee(s) have any proprietary interest in the underlying federal estate?	No; FSH 2709.11.21. But possibly, if leased; <i>see</i> 36 CFR 251.51, 251.54(e)(iv), 251.55.	Possibly, if leased; somewhat akin to “operating rights” ( <i>see</i> 43 CFR 3100.0-5).	No
Are regulatory exceptions provided for management of designated wilderness units in Alaska?	No; <i>see, e.g.</i> , 36 CFR 251.53(i).	No	Yes, <i>see, e.g.</i> , 36 CFR 36.33(d)(4)-(5), (e)(3).
Are regulatory exceptions provided to safeguard against otherwise available discretionary revocation?	Only in policy, <i>see</i> 36 CFR 251.53, 251.60, 261.50.	Only in policy	Yes; 50 CFR 36.33(b).

Disclaimer: this table and its contents make no assessment of or claim to legality or sufficiency with respect to the authorization Congress provided to the agencies in ANILCA §1303. The observations herein are intended for use as general guidance and information. This table and its contents should not be considered legal advice or an exhaustive list of all applicable authorities and procedures. References valid through April 2018.