

In 1997, the legislature passed AS 38.05.600, a law allowing Alaskans to stake remote recreational cabin sites on state land. The Remote Recreational Cabin Sites land-offering program is somewhat like the state's open-to-entry, remote parcel and early homestead programs in the 1970's and early 1980's. The program allows an individual to stake a parcel of state land for a cabin site in a designated remote settlement area and obtain a lease for the land for a limited length of time, then purchase the land at fair market value. The purchaser also pays for the survey and appraisal of the land. (A few pre-surveyed cabin sites may also be offered for direct purchase.)

The following is an overview of the Remote Recreational Cabin Sites program. In this discussion, the terms "parcel" and "cabin site" are interchangeable.

### **How does the Remote Recreational Cabin Sites program work?**

Under the Remote Recreational Cabin Sites program, designated, remote settlement areas of state land are offered for do-it-yourself cabin site selection and staking. A limited number of staking authorizations are allowed in a designated staking area. During the filing period, you may apply for as many staking areas as you like. However, to let as many Alaskans participate as possible, there is a limit of one cabin site per person in each offering. If more applications are received than the number of staking authorizations available for an area, the winners will be determined by a lottery. There is a \$25 fee per application

If your name is drawn for an area in the lottery, you will receive a staking authorization and instructions on how to stake a cabin site after proving Alaskan residency. This gives you the opportunity to stake a site and file a lease application during a specified staking period.

If you followed the staking rules and were the first to apply for the site you staked, you will then have the option to enter into a lease for that site.

### **How do I qualify?**

You must be at least 18 years of age and present proof that you have been an Alaska resident for at least one year immediately before the date of lottery application. Even if

you previously obtained state land as an open-to-entry site, remote parcel, homestead, subdivision lottery parcel, or auction parcel, you are eligible to participate in the Remote Recreational Cabin Sites program.

However, a person is ineligible to participate in the program if the person:

- Held a contract or lease that was administratively terminated for cause within the past three years;
- Is currently in default for nonpayment of an agreement with the State; or
- Is currently in default for nonpayment of municipal taxes or assessments after the municipality notifies the division of nonpayment.

A land sale brochure will be available that explains the program in detail, describes the areas offered, and announces the time period for applying for a staking authorization.

### **What areas will be offered for staking? How do I get there?**

The Department of Natural Resources (DNR) will offer areas that have been designated for remote settlement in the state's land use plans. Generally, a remote settlement area is a place that is suitable for low-density settlement. Typically it will not be easily accessible. In some cases, additional staking will be allowed in past remote parcel and homestead offering

areas. Remote Recreational Cabin Site staking areas will periodically be selected from land use plan recommendations.

Access to remote settlement areas is generally by all-terrain vehicle (ATV), snow machine, floatplane, or boat. Legal access is often reserved along all surveyed or unsurveyed section-line easements, along all public water bodies, along existing trails, and around existing surveyed parcels. Stakers may not obstruct or prevent public access within these easements. However, legal access does not mean that a trail or road has already been developed on the easements. Under state law, the state has no legal obligation to build roads or provide services to or within these areas.

### **How many acres can I stake?**

The minimum size for a Remote Recreational Cabin Site is five acres and the maximum size is 20 acres. Each staking area may have additional restrictions on parcel size and configuration. The staking map shows the staking area boundaries, locations of survey monuments, and existing surveyed parcels in the area, plus any staking setbacks from water bodies or trails, water frontage limitations, public access easements, reserved areas and exclusions. You won't be allowed to stake outside the staking area boundary, within existing surveyed parcels, or within setback areas or areas reserved or excluded for wood lots, airstrips, public use or other uses.

### **What can I use the land for?**

Remote Recreational Cabin Site leases allow for recreational use only. Commercial use or permanent residency is not allowed while under the lease. Once the land is under purchase contract or conveyed into private ownership, these restrictions no longer apply.

### **Will I have to build a cabin?**

You are allowed, but not required, to build a cabin in order to lease or purchase the cabin site. You should contact the municipal authority for any permits or any additional required building setbacks from water bodies, lot lines and easements before constructing any structure or waste disposal system.

### **How long can I lease the land? What are the fees? Can I buy the land?**

When submitting your completed lease application packet, there is a non-refundable lease application fee of \$100. Lease applications will be reviewed and valid applications will receive approval at the end of the staking period prior to lease issuance. The lease term will be three years with an annual rental fee of \$100. During the term of the lease, the lessee will also be making payments which will be applied to the lessee's deposit for the parcels estimated survey, platting, and appraisal costs. Together, the annual rental and the deposit payments will be paid quarterly. The portion of the payment applied toward the deposit for survey and platting, but not appraisal, will be credited towards the purchase price. The annual rental and the portion of the deposit payment for the appraisal will not be credited towards the purchase price. The total amount of these deposits may vary from area to area. The first quarterly payment will be due on your lease effective date.

If the total deposit paid by a lessee for the cost of the estimated survey, platting, and appraisal costs does not cover the lessee's share of the cost, the lessee shall pay the balance at the time of purchase.

During the three-year lease, DNR will survey and appraise your parcel. DNR reserves the right to extend the three-year lease for one year if necessary to complete the survey and appraisal. After the survey and appraisal are completed, you will be notified of your opportunity to purchase the parcel. If your lease is in good standing, you may enter into a purchase contract with DNR or pay off the full purchase price of the parcel.

If the lessee does not wish to purchase the parcel at the completion of the initial three-year lease period, the lease can be renewed for a single five-year term provided the lease is in good standing. Lease payments during this second term automatically increase to \$1,000 per year. At any time during this one-time five-year renewal, if the lease is in good standing, the lessee may enter into a purchase contract with DNR or pay off the full purchase price of

the parcel. Lease payments will not be credited toward the purchase price.

If the lessee does not purchase the site by the end of the second term, the lease will expire and the lessee will lose any interest in the property. The lessee must remove any improvements and personal property from the parcel. The law does not allow leases to be transferred.

**How much does the land cost? Can I “prove up” by living on the site?**

The land must be purchased at fair market value as of the date of entry and cannot be obtained by “proving up”. A “base appraisal” of the land will be prepared for each staking area at the time the area is offered, providing approximate fair market values for hypothetical sites within the staking area. The final appraisal of the individual cabin sites using the base appraisal will occur after the sites are surveyed. This appraisal will reflect the qualities of the individual cabin site, such as length of water frontage, topography, parcel size, access, view, etc., and will also reflect any changes in market conditions that may have occurred between the date of the base appraisal and the date of entry. A qualified veteran may apply for a 25% discount of the purchase price (minus survey and platting costs), if he or she has not used the discount previously. There are no other discounts on the purchase price of the parcel. The purchase price will be at least \$1,000.

**Do I get the mineral rights for the property?**

The State retains ownership of all oil, gas, coal, ore, minerals, fissionable material, geothermal resources, and fossils that may be in or upon the land that it sells (AS 38.05.125). The State and its successors reserve the right to enter onto the land for the purposes of exploring for, developing, and producing these reserved mineral resources. Under common law, this access reservation is superior to any and all surface uses. The State may also lease these interests 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). Most land disposal areas are closed to new mineral entry for such minerals as gold, copper, silver, etc.

**Can state employees participate in the Remote Recreational Cabin Sites program?**

State employees, employees of state-funded agencies (such as the University of Alaska), or employees of a contract employer of the state or a state-funded agency, who gained knowledge of a land offering area at state expense or were in a position to obtain inside information about the offering process may not file an application during the last 15 days of the application filing period.

**Is there a mailing list for upcoming land disposal offerings?**

The department maintains a list for notification of land offerings by e-mail. Information regarding the notification service and land offerings is available at <http://dnr.alaska.gov/mlw/landsale/>. DNR also notifies the public of land offerings through public notice, news advertisement, media releases, and brochures.

**Where can I get more information?**

Department of Natural Resources  
Public Information Center  
550 West 7th Ave., Suite 1260  
Anchorage, AK 99501-3557  
(907) 269-8400  
TDD: (907) 269-8411  
Fax: (907) 269-8901

Department of Natural Resources  
Public Information Center  
3700 Airport Way  
Fairbanks, AK 99709-4699  
(907) 451-2705  
TDD: (907) 451-2770  
Fax: (907) 451-2706

Department of Natural Resources  
Land Information Office  
400 Willoughby Avenue, 4th Floor  
PO Box 111020  
Juneau, AK 99801  
(907) 465-3400  
TDD: (907) 465-3888  
Fax: (907) 586-2954