



## LAND USE

### Access

Information on the location of legal access to a parcel may 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 be improved.

**Important:** Please be advised that legal access to a parcel does not necessarily constitute practical, developable, or existing (constructed) access.

The State of Alaska has no legal obligation to build roads or provide services to or within any subdivision or parcel. Right-of-ways shown on the survey plats designate areas reserved for access but do not necessarily indicate the existence of a constructed road. As previously mentioned, although every parcel for sale has some legal, platted access, in many cases roads might not yet exist. 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-owned land. Contact the DNR Public Information Centers for more information.

Physical access may be on rivers and lakes or across land by roads as well as trails by means of on and off-road vehicles, snow machines, airplanes, boats, all-terrain vehicles, dogsleds, or by foot. You should inquire at one of the DNR Public Information Centers or appropriate borough land office to see if there is an existing road on a reserved right-of-way.

There are certain generally allowed uses on State-owned land managed by the Division of Mining, Land & 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 on Generally Allowed Uses, is available online at: [http://dnr.alaska.gov/mlw/factsht/land\\_fs/gen\\_allow\\_use.pdf](http://dnr.alaska.gov/mlw/factsht/land_fs/gen_allow_use.pdf).

The fact sheet includes a list of areas where generally allowed uses do not apply and other restrictions.

Travel across unreserved State-owned land may be made without a permit by the following methods:

- Hiking, backpacking, skiing, climbing, and other foot travel; bicycling; or traveling by horse or 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 (ATV) with a curb weight of up to 1,500 pounds, such as a snow machine (or other tracked vehicle), motorcycle or ATV, on or off an established road easement, if use of 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 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-owned 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-owned 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.

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 on routes you may wish to improve. Contact the DNR Public Information Centers for more information.

### **RS 2477 Right-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-owned land and the transfer of State-owned land into private ownership does not extinguish pre-existing rights. Some rights-of-way could potentially be improved for access across or to communities or valuable State-owned resources and land. Some may not be used at all or may be developed only as foot trails. Others will be used as they have been in the past. 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 Centers and online at: <http://dnr.alaska.gov/mlw/trails/rs2477/>

### **Easements, Reservations & Restrictions**

All parcels listed in this brochure are subject to all platted and valid existing easements and reservations, such as rights-of-way, building setbacks, utility easements, pedestrian easements, roads, and trails. These easements and reservations may be shown graphically on the survey plat or may be listed in the 'Notes' section of the plat, which may be detailed on a page of the recorded documents separate from the map or plan. It is your responsibility to fully review the recorded survey or subdivision plat, any reservations represented in this brochure, and any other items found in the recorded land records for a complete picture of the restrictions and conditions that may affect each individual parcel. It is also your responsibility to personally and thoroughly inspect the parcel prior to submitting a bid or application to purchase. Subdivision survey plats may be viewed at the nearest DNR Public Information Center or online at: <http://dnr.alaska.gov/landrecords/>.

**All State-owned lands bordering section lines have 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.** Contact the appropriate DNR Public Information Center before constructing access, especially within surveyed or unsurveyed section-line easements.

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.

### **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>



### Driveways, Approaches, and Roads

Driveways and/or approach roads from established roads maintained by the State of Alaska, Department of Transportation and Public Facilities (DOT&PF) may need to be constructed in order to provide access to individual parcels, and a permit may be required. Prior to any driveway or approach road construction utilizing a State-managed right-of-way, you must consult the Right-of-Way Section of the appropriate regional office of DOT&PF. Parking on the side or shoulder of roads can cause traffic safety problems and damage to the road shoulder and these activities may be restricted or disallowed.

### Multiple Uses

The land sales described in this brochure is only one of the disposals or allowed uses that may occur in any given area. A variety of other authorized uses such as mining or timber sales, commercial or personal recreation, trapping, or resource harvest may occur on Municipal, State, Federal, and private lands near the parcels listed for sale. Such uses not only affect adjacent land, but also roads that are intended for access to those areas. Large truck and heavy equipment traffic may occur, and in some cases, noise, dust, or other activities may be perceived as a nuisance to neighboring users. Occasionally, small roads or trails are developed, improved, and maintained to accommodate increased traffic. It is strongly recommended that you take this into consideration when applying to purchase land through these offerings.

### Use of Adjacent State-Owned Land

Uses of unreserved State-owned land, other than those uses stated in *11 AAC 96.020 Generally Allowed Uses*, may require a land use authorization from DNR. Certain activities, such as harvesting firewood or clearing viewsheds may require a permit in advance and there is no guarantee of approval. Lease or ownership of land does not imply exclusive use of surrounding state-owned lands.

### 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. For more information regarding wells and water systems see: <http://dec.alaska.gov/eh/dw/dwp/private-wells>.

These land offerings may have some restrictions on the types of sewage disposal systems allowed. For more information on a parcel, please refer to the survey plat and contact the appropriate DEC regional office. If any such systems exist on parcels in these offerings, the State of Alaska makes no representations or warranties, expressed nor implied, concerning the existence or condition of such items. **It is your responsibility to personally and thoroughly inspect the parcels prior to submitting a bid or application and buyers assume all responsibility for such items.** Refer to the “Existing Improvements” and “Hazardous Materials and Potential Contaminants” sections of this brochure for additional information and disclaimers.







## Hazardous Materials and Potential Contaminants

You are responsible for personally and thoroughly inspecting the property and familiarizing yourself with the condition and quality of the land. Unless otherwise noted herein, there are no known environmental hazards present within the parcels listed herein. 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 lands in this offering. 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 and its related costs, regardless of date of existence.**

## New Construction, Development or Improvements

**Important:** The State of Alaska does not allow early entry for development activity until the sale contract or patent is issued. Please contact the Land Sales and Contract Initiation & Revenue Recovery (CIRR) at (907) 269-8594 for additional information.

It is your responsibility to properly locate all property boundary monuments on your parcel and to contain any improvements within the parcel (*11 AAC 67.020 Proper Location*). **No improvements, other than authorized access, may be placed or constructed within any easements or rights-of-way of record.** This includes, but is not limited to, section-line easements, public access easements, road rights-of-way, utility easements, and building setbacks. It is your responsibility to obtain all necessary authorizations from Federal, State, Borough, Municipal, City, or local agencies prior to placing or constructing any improvements.

## Existing Improvements

Some parcels in this brochure may have existing improvements, structures, and/or limited development on the land. Unless otherwise noted, the minimum bid price for these parcels includes the value of the improvements. If any such improvements exist on parcels in these offerings, the State of Alaska makes no representations or warranties, expressed nor implied, concerning the existence or condition of such items. You are responsible for personally and thoroughly inspecting the parcels prior to submitting a bid or application and buyers assume all responsibility for such items. Refer to the “Hazardous Materials and Potential Contaminants” section of this brochure for additional information and disclaimers.





## **Subdividing Agriculture Parcels**

Agricultural parcels may not be subdivided until patented and must comply with state and/or local platting requirements. After a patent is received, the owner may, after first paying the required fee to the state for the right to construct housing on each subdivided parcel of less than 640 acres, subdivide under the authority of AS 38.05.321(a)(2)(B). The subdivision may not create more than 4 parcels. No parcel may be less than 40 acres.

There are exceptions:

- For each subdivided parcel of at least 640 acres, there is no payment to the State of Alaska for the right to construct housing;
- If a subdivided parcel is to be conveyed to a member of the owner's immediate family, the payment may be delayed until the parcel is conveyed outside of the immediate family. There will be a lien on the parcel until the payment is made. Your immediate family may include your spouse as well as your parent, child (including your stepchild or adoptive child), or sibling (your brother or sister), if your parent, child, or sibling lives with you, depends on you financially, or shares a substantial financial interest with you.

In addition to the restrictions imposed by DNR on subdivision of agricultural parcels, any subdivision of these parcels is subject to approval by the local platting authority

## **Future Offerings**

The State of Alaska reserves the right to offer additional parcels of land adjacent to or near previously sold parcels, thereby potentially increasing the population density or frequency of use in an area. Public notices about potential State disposals are available at: [http://landsales.alaska.gov/public\\_notice/](http://landsales.alaska.gov/public_notice/).

## **Nomination of Land for Future Offerings**

The Department of Natural Resources seeks nominations from the public for sales of State-owned land and considers public interest when offering land for sale. You have an opportunity to make your interest known by participating in the land nomination process. The request must be in writing on a land sale nomination form, which is used to document public input in the land sale planning process. Land sale nomination forms are available at DNR Public Information Centers and online at <http://landsales.alaska.gov/>.

You may nominate land for agricultural use, residential use, recreational use, or remote sites for the stake-it-yourself program. There is no fee for nominating land for a State land sale and you may submit nomination forms for more than one area. If you are interested in nominating State-owned land for sale through our disposal programs, fill out a nomination form and return it to a DNR Public Information Center. You must include basic information about the location of the nominated land, whether or not the land is owned by the State of Alaska, and whether or not it is designated or classified for settlement under land use plans or designated for some other use. The nomination form lists additional resources you can use to check if land you nominate qualifies for the State's consideration to sell.

Land sale nomination forms do not confer rights or priority in the lands nominated to any member of the public. The nomination is not a claim, does not imply that you have the right to use or occupy the land nominated, nor is the State obligated to sell or otherwise dispose of the land. In addition, disposals must be conducted competitively, so nominating parties are not guaranteed any right to purchase.

After the land nominations are received, DNR researches the nominations and acceptable nominations may be incorporated into future land sale offerings depending on feasibility and other factors. Land sale offerings are subject to a formal decision-making process. DNR considers State laws, regulations, established policies, the character of the land, recommendations made by resource experts, and public input when issuing decisions. DNR also solicits public comment on proposals before the land can be offered for sale.



## ENVIRONMENTAL REQUIREMENTS

### Waters of the United States and 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 placing 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 United States 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/Missions/Regulatory/Permits.aspx>.

### 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. Contact DNR DMLW's Water Resources Section for more information. Information and applications are also available at any of the DNR Public Information Centers and online at: <http://dnr.alaska.gov/mlw/water/>.

### Mineral Estate

**In accordance with AS 38.05.125 Reservation of Mineral Rights to Alaska, the State of Alaska retains ownership of oil, gas, coal, ore, minerals, fissionable material, 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. In Alaska, 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 an area to mineral entry, where they have been established, closed that 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 listed 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.





### **Timber and Other Materials on Site**

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

### **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 DNR (AS 41.35.200 Unlawful Acts). Should any sites be discovered, you must cease activities that may damage the site and immediately contact the Office of History and Archaeology (OHA) in the DNR Division of Parks and Outdoor Recreation. To contact OHA, call (907) 269-8721 or visit: <http://dnr.alaska.gov/parks/oha/>.

### **Fire and Burning Activities**

**Some State-owned lands are in areas with limited or no 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. For full descriptions of current Interagency Fire Management Plans and more information, visit DNR Division of Forestry's Fire Information webpage online at:

<http://forestry.alaska.gov/fire/fireplans.htm>.

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://forestry.alaska.gov/fire/firewise>.

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 41.15.60 Permits, AS 41.15.090 Building or Leaving Fires). For further information regarding wildfire mitigation and burning permits, contact DNR Division of Forestry. A list of their locations, addresses, and telephone numbers may be obtained from any of the DNR Public Information Centers and online at:

<http://forestry.alaska.gov/divdir.htm>.

### **Eagle Nesting Sites and Seasons of Restricted Activity Nearby**

Federal law prohibits any disturbance of bald eagles or their nests and 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.





## **Fish Habitat Requirements**

The Fishway Act (AS 16.05.841), requires that an individual or governmental agency notify and obtain authorization from Alaska Department of Fish & Game (ADFG), Division of Habitat, for activities within or across a stream used by fish if ADFG 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 ADFG 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 ADFG, Division of Habitat. A list of common activities requiring permits is available at: <http://www.adfg.alaska.gov/index.cfm?adfg=uselicenses.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 and 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 the ordinary high water of an anadromous water body or impede the efficient passage of fish without notifying and receiving the prior written approval from ADFG, you may be violating State law and this may lead to the charge of a misdemeanor. Contact ADFG, Division of Habitat, for more information on obtaining permits.**

## **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://www.fws.gov/pacific/migratorybirds/>.

## **Wildlife**

There is always the possibility of encountering bears and other wildlife when in remote locations in Alaska.

ADFG'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 and don't run.

We remind you to be aware of your surroundings and diligent when 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 DNR Public Information Centers or visit the following websites:

Provided by ADFG:

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

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

Provided by DNR 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 ADFG for information on how to minimize conflicts with wildlife.





### **Hunting Seasons and Taking Game in Defense of Life or Property**

Inspection and recreation periods may overlap with certain hunting seasons. Check with the State of Alaska, Department of Fish and Game (ADFG) to find out the hunting season dates for the project area. More information is available at: <http://adfg.alaska.gov>

ADFG 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.

### **Noxious Weeds**

Pursuant to State law AS 03.05.010 - .030, AS 44.37.030 and Regulations 11 AAC 34.020 -.045, Alaskan agricultural landowners are required to control and eradicate certain "pest" plants that may be found growing on or be introduced into Alaskan soils. These prohibited and restricted noxious weeds may be found within cropland areas of the parcel being sold. For additional information, please contact the Alaska Cooperative Extension office nearest the subject parcel or visit: <http://plants.alaska.gov/invasives/noxious-weeds.htm>

### **STATE OF ALASKA PROHIBITED AND RESTRICTED NOXIOUS WEEDS**

The following are prohibited noxious weeds:

- Bindweed, field (*Convolvulus arvensis*);
- Fieldcress, Austrian (*Rorippa austriaca*);
- Galensoga (*Galensoga parviflora*);
- Hempnettle (*Galeopsis tetrahit*);
- Horsenettle (*Solanum carolinense*);
- Knapweed, Russian (*Centaurea repens*);
- Lettuce, blue-flowering (*Lactuca pulchella*);
- Orange Hawkweed (*Hieracium Aurantiacum*);
- Purple Loosestrife (*Lythrum Salicaria*);
- Quackgrass (*Agropyron repens*);
- Sowthistle, perennial (*Sonchus arvensis*);
- Spurge, leafy (*Euphorbia esula*);
- Thistle, Canada (*Cirsium arvense*); and
- Whitetops and its varieties (*Cardaria draba*, *C. pubescens*, *Lapidium latifolium*).





## CONSERVATION REQUIREMENTS

### State Farm Conservation Plan (SFCP)

The successful bidder will be required to submit a State Farm Conservation Plan (SFCP) that is first reviewed by the local Soil and Water Conservation District (SWCD) and then sent to the Division of Agriculture, 1800 Glenn Highway, Suite 12, Palmer, Alaska 99645. The Director of the Division of Agriculture is responsible for approval of farm plans. The SFCP must be submitted to the Division of Agriculture for approval no later than 4 p.m., Thursday, January 2, 2019.

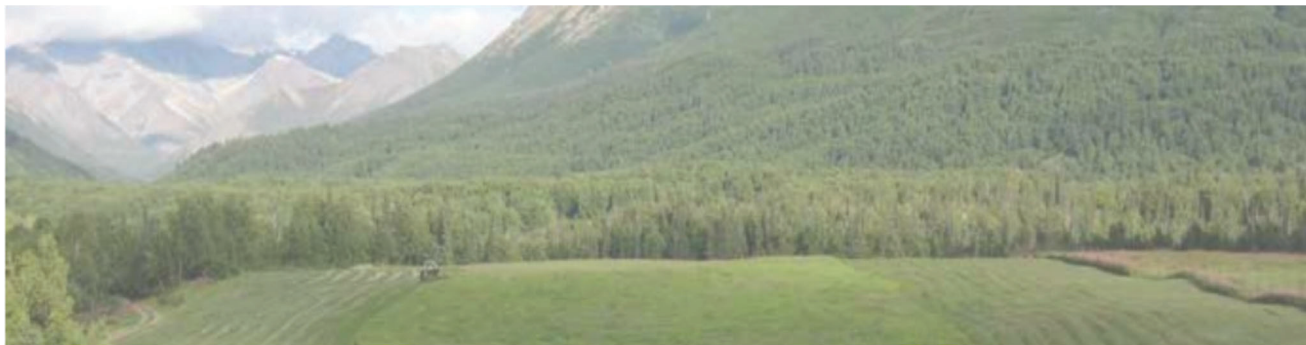
The conservation plan follows a standard format as required by the Department of Natural Resources. The form may be picked up at the Division of Agriculture in Fairbanks or Palmer and will be given to the successful bidder at the auction. The contract for sale will not be issued until an approved State Farm Conservation Plan is submitted.

A SFCP must be prepared by the successful bidder/purchaser. Information and assistance in the preparation of the SFCP is available from numerous sources including the Division of Agriculture, local SWCD, the USDA Natural Resources Conservation Service, Department of Fish and Game, and the University of Alaska Extension Service. A SFCP must include:

1. A map of the farm showing:
  - the planned location of clearing and breaking of ground;
  - planned location of windbreaks, farm pond and similar conservation measures and improvements; and
  - planned location of real property improvements (if authorized)
2. Access roads, legal easements and existing physical features such as waterbodies;
3. Planned soil conservation measures;
4. A plan for burning any clearing debris, including any vegetation that has previously been chained down.
5. A supplementary written narrative.

The successful bidder submits a SFCP to the appropriate SWCD whose members review, comment and if signed by the board of supervisors, forward the plan to the Division of Agriculture for approval. The approved SFCP is included by reference as an attachment to the sale contract.

Consideration by the purchaser and the reviewers should be given to, among other things, the type of crops as they relate to the natural conditions including soils, slope, moisture, temperatures, and local wildlife. Any modification of the SFCP will require the same review process as the original plan. The new purchaser will, as a condition of the contract, be required to comply with the approved SFCP to the satisfaction of the Director of the Division of Agriculture. Development of a parcel in a manner not in the approved SFCP may constitute a breach of contract. If a purchaser is found to be in Breach, a default notification may be issued. If a default notice is issued and if the default is not cured, it may result in a decision by the state to terminate the sale agreement (*AS 38.05.065 Terms of contract of sale*).







### **Farm Clearing Requirement and Maintenance of Farmland**

These parcels may be subject to clearing and tillage requirements. In general, the requirement is 25% of the cropland soils as determined by the Division of Agriculture improved to a farmable condition within five years of issuance of the sale contract and maintained in that condition throughout the term of the sale contract. Patent will not be issued until the clearing requirement is met. In addition, patent will not be issued if the land has not been maintained in a farmable condition.

“Improved to a farmable condition” is defined as:

1. Removal of essentially all wood material from the surface and subsurface; areas used for storage of such woody material shall have been surface-cleared prior to deposit of material;
2. An initial tillage operation (“breaking”) sufficient to render the cleared land tillable by standard tillage implements such as tandem disc-harrow, fertilizer spreader, press drill.

### **Agricultural Land Sales**

The sale of the agricultural interest is the conveyance of the land estate in fee simple subject to conditions and covenants relating to agricultural use and development. The required covenants are:

1. A perpetual covenant for the benefit of all Alaska residents and running with the land that restricts or limits the use of the land for agricultural purposes; and
2. A perpetual covenant that permits the owner of the land, obtained under this contract, to subdivide and convey not more than four parcels of the land of not less than 40 acres each, subject to the restriction that a subdivided parcel may not be further subdivided and further subject to the limitations established within AS 38.05.321(e).

Agricultural Purposes are defined in statute as:

1. The production, for commercial or personal use, of useful plants and animals;
2. The construction of:
  - housing for landowners and farm laborers,
  - improvements for animals,
  - improvements that are reasonably required for or related to agricultural uses;
3. The use of gravel reasonably required or related to agricultural production **on** the parcel conveyed; and
4. Removal of and disposition of timber in order to bring agricultural land into use.

### **Special Information**

These parcels are being sold under the State’s Agricultural Land Disposal Program. Prospective buyers should, however, be aware that while these parcels do have soils suitable for growing crops, the elevation, aspect, presence of permafrost and other physical conditions may limit crop selection and/or require special management techniques in developing the agricultural potential.

