

11 AAC 05.230. Surface land leasing; shore fisheries land leasing

(a) Fees established under this section are for surface land leasing, shore fisheries land leasing and services, under AS 38. Except where a fee is set by statute or required by statute to be based on appraised market value, required by statute to be based on the costs of issuing shore fishery leases, or under (d)(6) - (d)(7) of this section, the director of the division of mining, land and water may, by written order, reduce or revise one or more of the fees established in (d)(1) - (d)(5) of this section by waiving a portion of the fee. Under this section, an order waiving a portion of a fee

(1) must apply to all applicants or petitioners for that authorization, or service;
(2) may not exceed 20 percent of the amount established in (d)(1) - (d)(5) of this section for an authorization, or service;

(3) must be published on the division's public internet webpage and the Alaska Online Public Notice System 30 days before the effective date of the waiver;

(4) may not waive or reduce any additional fees imposed under (c) of this section; and

(5) is not subject to appeal under AS 44.37.011 or 11 AAC 02.

(b) The director shall consider in waiving a portion of a fee under (a) of this section

(1) the estimated actual costs of the authorization, or service to the department;

(2) the economic needs of the department; and

(3) the public interest.

(c) When the department determines that an authorization, or other service will require additional costs, or staff time in excess of the maximum hours set out in (d)(1), (d)(3) or (d)(4) of this section, but that a higher fee under 11 AAC 05.270 is not required, then,

(1) the department may, in addition to the fee established in (d)(1), (d)(3) or (d)(4) of this section,

(A) charge an additional hourly fee under (d)(7) of this section for staff time in excess of the maximum hours set out in (d)(1), (d)(3) or (d)(4) of this section to pay for the estimated actual staff cost for provision of the services requested; and

(B) charge fees necessary to pay for additional estimated actual costs, including costs under 11 AAC 05.200 for recordation by the department;

(2) the department will provide the applicant or petitioner written estimates detailing the additional costs for the department to continue processing the application; and

(3) the department may require payment of the appropriate additional fee amount before the department undertakes additional processing.

(d) The fees for surface land leasing, shore fisheries land leasing and services are as follows:

(1) for an application for a surface use lease under AS 38.05.070, for

(A) a surface land lease, including a tideland or submerged land lease, not otherwise described in this subsection;

(i) one acre or less, \$1,500 for up to 60 hours of staff time;

(ii) greater than one acre, \$2,500 for up to 100 hours of staff time;

(B) a surface land lease under AS 38.05.810(a) - (d),

(i) one acre or less, \$750 for up to 60 hours of staff time; or

(ii) greater than one acre, \$1,500 for up to 100 hours of staff time;

(C) a preference right to lease land by existing lessee under AS 38.05.102, or former AS 38.05.100, or lease term, including amendment or assignment of an application for preference right, \$750, for up to 24 hours of staff time;

(D) renewal of lease not otherwise described in this subsection,

(i) one acre or less, \$750 for up to 30 hours of staff time; or

(ii) greater than one acre, \$1,000 for up to 40 hours of staff time;

(E) extension of lease not otherwise described in this subsection, \$500 for up to 20 hours of staff time;

(F) assignment of lease not otherwise described in this subsection, \$750 for up to 30 hours of staff time;

(G) an amendment of a lease or development plan not otherwise described in this subsection;

(i) an amendment to lease, development or grazing plan that requires a finding under AS 38.05.035(e), \$1,000 for up to 40 hours of staff time; or

(ii) an amendment to lease, development or grazing plan other than (i) of this subparagraph, \$200;

(H) security assignment of lease, \$500 for up to 20 hours of staff time;

(I) consent to sublease, \$500 for up to 20 hours of staff time;

(J) grazing lease, \$1,500 for up to 60 hours of staff time;

(K) lease for an unauthorized use, \$1,000, in addition to fees in (A), (B), (C) or (D) of this paragraph;

(2) application for a shore fishery lease under AS 38.05.082 for,

(A) a shore fisheries lease, \$300;

(B) a renewal or extension of shore fisheries lease, \$250;

(C) an amendment of shore fisheries lease, \$200;

(D) a transfer or assignment of shore fisheries lease or lease application, \$250;

(E) a partial transfer or assignment of a shore fisheries lease, \$300;

(3) application for an aquatic farmsite lease under AS 38.05.083 for,

(A) aquatic farmsite lease;

(i) for a total of one acre or less, \$750 for up to 24 hours of staff time;

(ii) for a total of greater than one acre but no more than three acres, \$1,500 for up to 60 hours of staff time; or

(iii) for a total of greater than three acres, \$2,500 for up to 100 hours of staff time;

(B) renewal of an aquatic farmsite lease,

(i) for a total of one acre or less in size, \$350 for up to 14 hours of staff time;

- staff time; or
- (ii) for a total of greater than one acre but no more than three acres, \$750 for up to 30 hours of staff time; or
 - (iii) for greater than three acres, \$1,500 for up to 60 hours of staff time;
- (C) assignment of aquatic farmsite lease, \$200 for up to 8 hours of staff time;
- (D) extension of an aquatic farmsite lease, \$200 for up to 8 hours of staff time;
- (E) amendment of an aquatic farmsite lease or development plan;
- (i) amendment to lease or development plan that requires a finding under [AS 38.05.035\(e\)](#), \$500 for up to 20 hours of staff time; or
 - (ii) amendment to lease or development plan other than (i) of this subparagraph, \$200;
- (4) application for a remote recreational cabin site lease, \$300 for up to 12 hours of staff time for the first term; no application fee for an extension or for a renewal for a second term;
- (5) surface lease issued under [AS 38.05.600](#) for,
- (A) lease of a remote recreational cabin site under [AS 38.05.600\(b\)](#)
 - (i) during the first term of the lease, \$300 annually each site;
 - (ii) during the second term of the lease, \$1,500 annually each site;
- (6) approval of a sublease of an existing surface land lease, not less than 25 percent of the value of the sublease;
- (7) each additional hour in excess of the maximum hours listed in (1), (3) or (4) of this subsection, \$50.
- (e) In addition to a fee prescribed under (d)(1) of this section and any rental fee established by statute or regulation, or required by statute, to be based on appraised market value, for surface use authorizations issued to authorize an unauthorized use, the applicant shall pay the annual fee equal to the annual rental set by statute or regulation, or required by statute, to be based on appraised market value, for each year the applicant occupied or used state land prior to approval of a lease; this provision may be waived if the department determines the use or improvement is in the public interest, or if the use or improvements predate the applicant's occupancy or ownership.