

**§ 13.138**

**§ 13.138 Renewal.**

The Superintendent shall renew a valid lease or permit upon its expiration in accordance with the provisions of the original lease or permit, subject to any modifications or new conditions that the Superintendent finds necessary for the protection of the values and purposes of the park area.

**§ 13.140 Denial of renewal.**

The Superintendent may deny the renewal or continuation of a valid lease or permit only after issuing specific findings, following notice and an opportunity for the leaseholder or permittee to respond, that renewal or continuation constitutes a direct threat to, or a significant impairment of, the purposes for which the park area was established.

**§ 13.142 Transfer.**

Subject to any prohibitions or restrictions that apply to transfer in the existing lease or permit, the Superintendent may transfer a valid existing lease or permit to another person at the election or death of the original permittee or leaseholder, only if the Superintendent determines that:

- (a) The continued use is appropriate and compatible with the values and purposes of the park area;
- (b) The continued use is non-recreational in nature;
- (c) There is no demonstrated overriding need for public use; and
- (d) The continued use and occupancy will not adversely impact soils, vegetation, water or wildlife resources.

CABIN USE—CABIN NOT UNDER VALID LEASE OR PERMIT AS OF DECEMBER 1, 1978

**§ 13.144 Use and occupancy of a cabin prior to December 18, 1973.**

A cabin or other residential structure in existence and occupied by a claimant, both prior to December 18, 1973, with the claimant's occupancy continuing for a substantial portion of the time, may continue to be used and occupied by the claimant pursuant to a renewable, nontransferable five-year permit. Upon the request of the claimant or a successor who is an immediate family member and residing in the

cabin or structure, the Superintendent shall renew this permit every five years until the death of the last immediate family member of the claimant who was residing with the claimant in the structure under permit at the time of issuance of the original permit.

**§ 13.146 Use and occupancy of a cabin between December 18, 1973 and December 1, 1978.**

A cabin or other residential structure in existence prior to December 1, 1978, with occupancy commenced by a claimant between December 18, 1973 and December 1, 1978, which a claimant has continued to occupy or use for a substantial portion of the time, may continue to be used and occupied by the claimant pursuant to a non-transferable permit. The Superintendent may issue and extend such permit for a term not to exceed December 1, 1999 for such reasons as are deemed by the Superintendent to be equitable and just. The Superintendent shall review the permit at least every two years and modify the permit as necessary to protect park resources and values.

**§ 13.148 Permit application.**

In order to obtain, renew or extend a permit, a claimant shall submit a written application. In the case of an application to renew or extend a permit issued pursuant to §§ 13.144 or 13.146, if no circumstance relating to the permittee's occupancy and use of the cabin or structure has changed in the interim, applicable material submitted by the permittee to satisfy the original application requirements is considered sufficient and need not be resubmitted. The following information is required to be included in a permit application:

- (a) Reasonable proof of possessory interest or right of occupancy in the cabin or structure, demonstrated by affidavit, bill of sale, or other documentation. In order for a claimant to qualify for a permit described in section 13.144, the claimant's possessory interest or right of occupancy must have been acquired prior to December 18, 1973. In order for a claimant to qualify for a permit described in section 13.146, the claimant's possessory interest or right of occupancy must have

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been acquired prior to December 1, 1978;

(b) A sketch or photograph that accurately depicts the cabin or structure;

(c) A map that shows the geographic location of the cabin or structure;

(d) The claimant's agreement to vacate and remove all personal property from the cabin or structure upon expiration of the permit;

(e) The claimant's acknowledgement that he or she has no legal interest in the real property on which the cabin or structure is located;

(f) Reasonable proof that the claimant has lived in the cabin or structure during a substantial portion of the time and continues to use the cabin or other structure as a primary, permanent residence; and

(g) A list of all immediate family members residing with the claimant within the cabin or structure for which the application is being submitted. Such list need only include those immediate family members who will be eligible to continue to use and occupy the cabin or other structure upon the death or departure of the original claimant.

### § 13.149 Permit application deadline.

The deadline for receipt of a permit application for the occupancy and use of an existing cabin or other structure described in §§ 13.144 or 13.146 is October 20, 1987. The Superintendent may extend this deadline for a reasonable period of time only when a permit applicant demonstrates that extraordinary circumstances prevented timely application.

#### CABIN USE FOR COMMERCIAL FISHING ACTIVITIES

### § 13.150 Use for authorized commercial fishing activities.

The use of a campsite, cabin or other structure in conjunction with commercial fishing activities authorized by section 205 of ANILCA in Cape Krusenstern National Monument, the Malaspina Glacier Forelands area of Wrangell-Saint Elias National Preserve, and the Dry Bay area of Glacier Bay National Preserve is authorized pursuant to the provisions of § 13.40(c)

of this chapter and the terms of a permit issued by the Superintendent.

#### CABIN USE FOR SUBSISTENCE PURPOSES

### § 13.160 Use of cabins for subsistence purposes.

(a) A local rural resident who is an eligible subsistence user may use an existing cabin or other structure or temporary facility or construct a new cabin or other structure, including temporary facilities, in a portion of a park area where subsistence use is allowed, pursuant to the applicable provisions of subparts F through V of this part and the terms of a permit issued by the Superintendent. However, the Superintendent may designate existing cabins or other structures that may be shared by local rural residents for authorized subsistence uses without a permit.

(b) For purposes of this section, the term "local rural resident", with respect to national parks, monuments, and preserve, is defined in § 13.420 of this chapter.

### § 13.161 Permit application.

In order to obtain or renew a permit, a person shall submit an application. In the case of an application to renew a permit issued pursuant to § 13.160, if no circumstance relating to the permittee's occupancy and use of the cabin or structure has changed in the interim, applicable material submitted by the permittee to satisfy the original application requirements is considered sufficient and need not be resubmitted. The following information is required to be included in a permit application:

(a) An explanation of the applicant's need for the cabin or structure;

(b) A description of an applicant's past, present and anticipated future subsistence uses relevant to his or her need for the cabin or structure;

(c) A blueprint, sketch or photograph of the cabin or structure;

(d) A map that shows the geographic location of the cabin or structure; and

(e) A description of the types of occupancy and schedule for use of the cabin or structure. All information may be provided orally except the cabin blueprint, sketch or photograph and the map.