

STATE OF ALASKA, DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND & WATER

Southeast Region, 400 Willoughby Ave., Suite 400, Juneau, Alaska 99801

INTERAGENCY LAND MANAGEMENT ASSIGNMENT

ADL 65587 Amendment # 1

The Division of Mining, Land & Water, Alaska Department of Natural Resources hereby **amends and replaces** the assignment executed on January 6, 1975 to **the Division of Parks and Outdoor Recreation**, or its successors in function, hereinafter called Assignee, jurisdiction and management of the land and certain easements described on the attached Exhibit "A". This amendment also includes all lands assigned under ADL 103245 executed on July 2, 1982. This amended action supersedes and replaces ADL 103245 which is hereby closed.

Jurisdiction and management includes the authority to manage the surface and the subsurface of all lands described in Exhibit "A". Also included is the authority to manage certain trail easements across lands conveyed to the City of Skagway (ADL 105276) also described in Exhibit "A", in order to make use of the land for **the purpose of providing recreational access, use, development and maintenance of support facilities, protection of historic resources and enforcement of State Park regulations along the historic Chilkoot trail** within the jurisdiction of the Assignee.

The right of the Assignee or Assignee's contractor(s) to construct, maintain, or improve and remove buildings, roads, airports, and works of other description, and to use or remove sand, gravel, timber or other materials on or near the surface for purposes directly related to the project is limited to historic preservation and public recreation purposes that are in the state's best interest, and is subject to the stipulations attached and made part of this document as Exhibit "B".

The right to grant or permit the creation of third party interests for utilities or other public works (such as roads, pipelines, etc.) that are extensions of improvements from adjoining lands and do not interfere with the approved use of the tract is subject to the written approval of the Division of Mining, Land & Water. The assignment, grant or any other creation of third party interest for any use other than those specified is not permitted unless such uses are specified on Exhibit "B" attached to this document or are specifically authorized in writing by the Division of Mining, Land & Water. The Division of Mining, Land & Water reserves jurisdiction and management of all minerals including oil and gas in the above described land, provided, however, that the Division of Mining, Land & Water will not permit surface entry for the purposes of mineral or oil and gas exploration and development without the consent of the Assignee. Lands that are in excess of the Assignee's needs shall be returned to the management jurisdiction of the Division of Mining, Land & Water upon a finding that the site has been rehabilitated to the satisfaction of the Director of the Division of Mining, Land & Water.

Dated this 18th day of November, 2002.

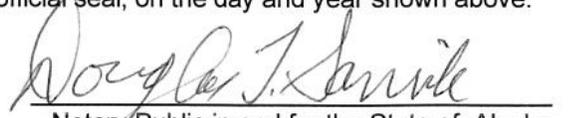
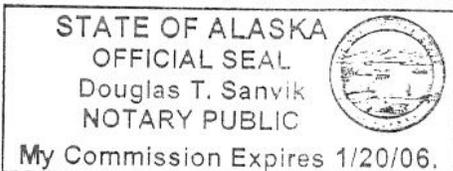


Ron Schonenbach, SE Regional Manager
Department of Natural Resources

UNITED STATES OF AMERICA)
State of Alaska) ss.
First Judicial District)

THIS IS TO CERTIFY that on this 18th day of November, 2002 before me personally appeared Ron Schonenbach of the Department of Natural Resources of the State of Alaska, who executed the foregoing Interagency Land Management Assignment and acknowledged voluntarily signing the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, on the day and year shown above.



Notary Public in and for the State of Alaska
My commission expires: 1/20/06

EXHIBIT 'A'

INTERAGENCY LAND MANAGEMENT ASSIGNMENT

ADL 65587

Containing approximately 636 acres
in the Taiya river valley and Chilkoot Pass

LEGAL DESCRIPTION

T. 25 S., R. 60 E., CRM

Sections 17, 20, 29, and 30 **79.2 acres +/-**
A tract of land 300' wide (150' C/L of existing trail) by
approximately 11, 500' long.

Section 31 **110 acres +/-**
A tract of land encompassing the Sheep Camp historic
site within the NW¹/₄ SE¹/₄, W¹/₂NE¹/₄ SE¹/₄, SW¹/₄ NE¹/₄ , and
SW¹/₄ SE¹/₄ NE¹/₄.

A trail easement 300' wide (150' C/L of existing trail)
across land conveyed to the City of Skagway. A
segment approximately 1,320' long in the N¹/₂NE¹/₄ and a
segment approximately 1,320' long in the S¹/₂SE¹/₄.

T. 26S., R. 60E., CRM

Section 6 **28.9 acres +/-**
A tract of land 300'wide (150' C/L of existing trail) by
approximately 4,200' long.

T. 26S., R. 59E., CRM

Section 1 **5.5 acres +/-**
A tract of land 300'wide (150' C/L of existing trail) by
approximately 800' long.

Section 11 **8.9 acres +/-**
A tract of land 300'wide (150' C/L of existing trail) by
approximately 1,300' long.

Section 12

41.8 acres +/-

A tract of land encompassing the Pleasant Camp historic site within the: SW¹/₄ NW¹/₄ NW¹/₄ NE¹/₄, NW¹/₄ SW¹/₄ NW¹/₄ NE¹/₄, N¹/₂ SE¹/₄ NE¹/₄ NW¹/₄ east of the Taiya River, and SE¹/₄ NE¹/₄ NE¹/₄ NW¹/₄ east of the Taiya River.

A tract of land 300' wide (150' C/L of existing trail) by approximately 4,800' long.

Section 14

112.7 acres +/-

A tract of land encompassing a portion of the Canyon City historic site within the: E¹/₂ NE¹/₄ SW¹/₄ west of the Taiya River, E¹/₂ W¹/₂ NE¹/₄ SW¹/₄, E¹/₂ SE¹/₄ SW¹/₄, SW¹/₄ SE¹/₄, and SE¹/₄ SE¹/₄ NW¹/₄ west of the Taiya River.

A tract of land 300' wide (150' C/L of existing trail) by approximately 3,300' long.

Section 23

72.4 acres +/-

A tract of land encompassing a portion of the Canyon City historic site within the: N¹/₂ NW¹/₄ NE¹/₄ , and the E¹/₂ NE¹/₄ NW¹/₄ .

A tract of land 300' wide (150' C/L of existing trail) by approximately 4,700' long.

Section 26

36.5 acres +/-

A tract of land 300' wide (150' C/L of existing trail) by approximately 5,300' long.

Section 35

21.7 acres +/-

A tract of land encompassing the Finnegan's Point historic site within the NW¹/₄ SE¹/₄ NW¹/₄ .

A tract of land 300' wide (150' C/L of existing trail) by approximately 1,700' long, excluding USS 5108.

T. 27S., R. 59E., CRM

Section 2

11.4 acres +/-

A tract of land 300' wide (150' C/L of existing trail) by approximately 1,650' long within USS 5106C.

Section 11

0 acres

A trail easement 300' wide (150' C/L of existing trail) across land conveyed to the City of Skagway. A segment approximately 3,960' long in the SW $\frac{1}{4}$, and the S $\frac{1}{2}$ NW $\frac{1}{4}$ excluding Lot 1, USS 5110.

Section 14

40 acres +/-

A tract of land encompassing the W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$.

A trail easement 300' wide (150' C/L of existing trail) across land conveyed to the City of Skagway. A segment approximately 5,280' long in the W $\frac{1}{2}$.

Section 15

8 acres +/-

A tract of land encompassing all land east of the Taiya River in the SE $\frac{1}{4}$.

Section 22

51 acres +/-

A tract of land encompassing all land east of the Taiya River excluding the Dyea Road right-of-way, USS 1249, USS 3414 and that portion within SE $\frac{1}{4}$ SE $\frac{1}{4}$ east of the Dyea Road (ASLS 97-61, pending approval).

Section 23

0 acres

A trail easement 300' wide (150' C/L of existing trail) across land conveyed to the City of Skagway. A segment approximately 2,800' long in the W $\frac{1}{2}$.

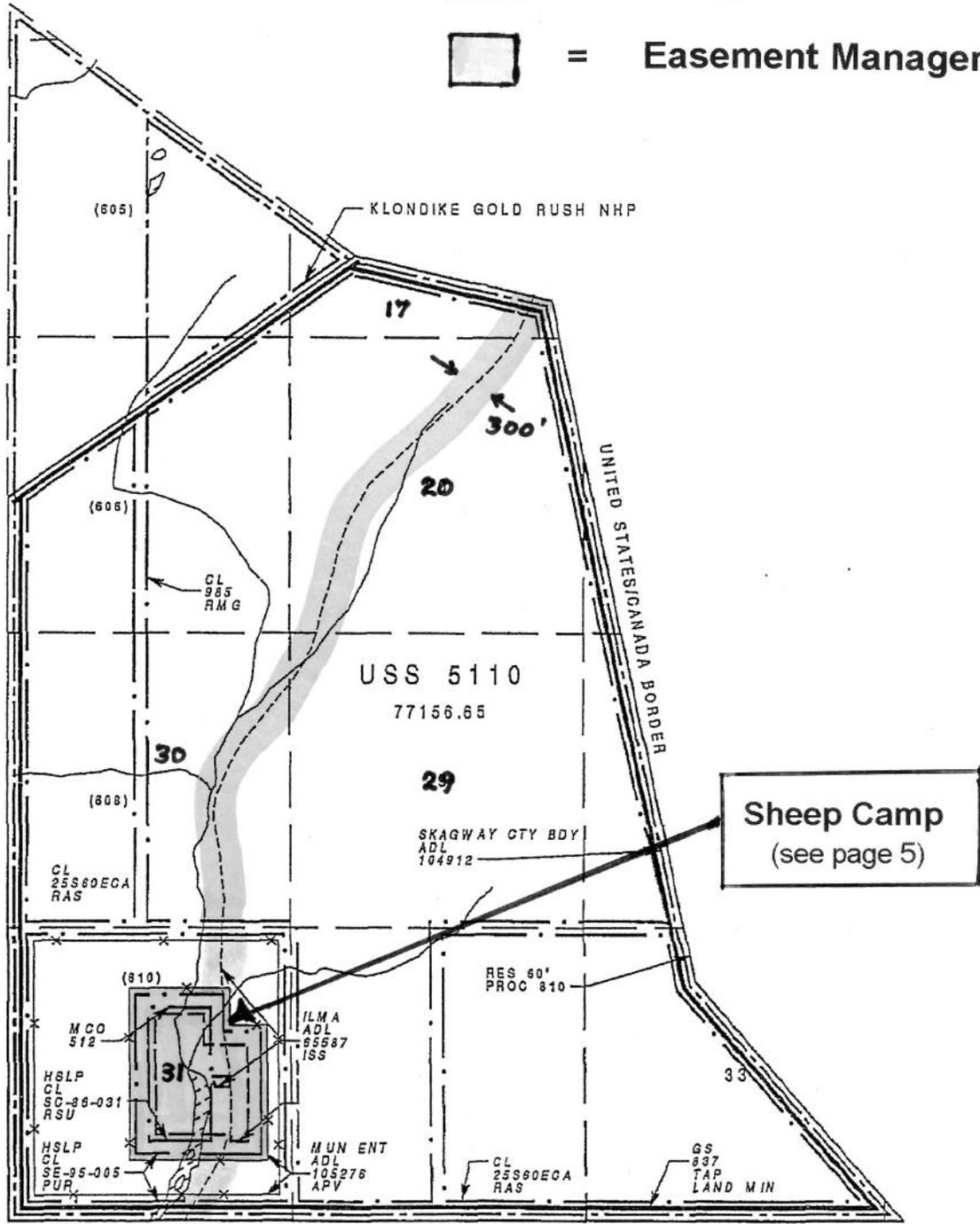
Section 27

8 acres +/-

A tract of land within the N $\frac{1}{2}$ NE $\frac{1}{4}$ east of Taiya River and west of Dyea Road, excluding Dyea Road right-of-way and ASLS 97-61, pending approval.

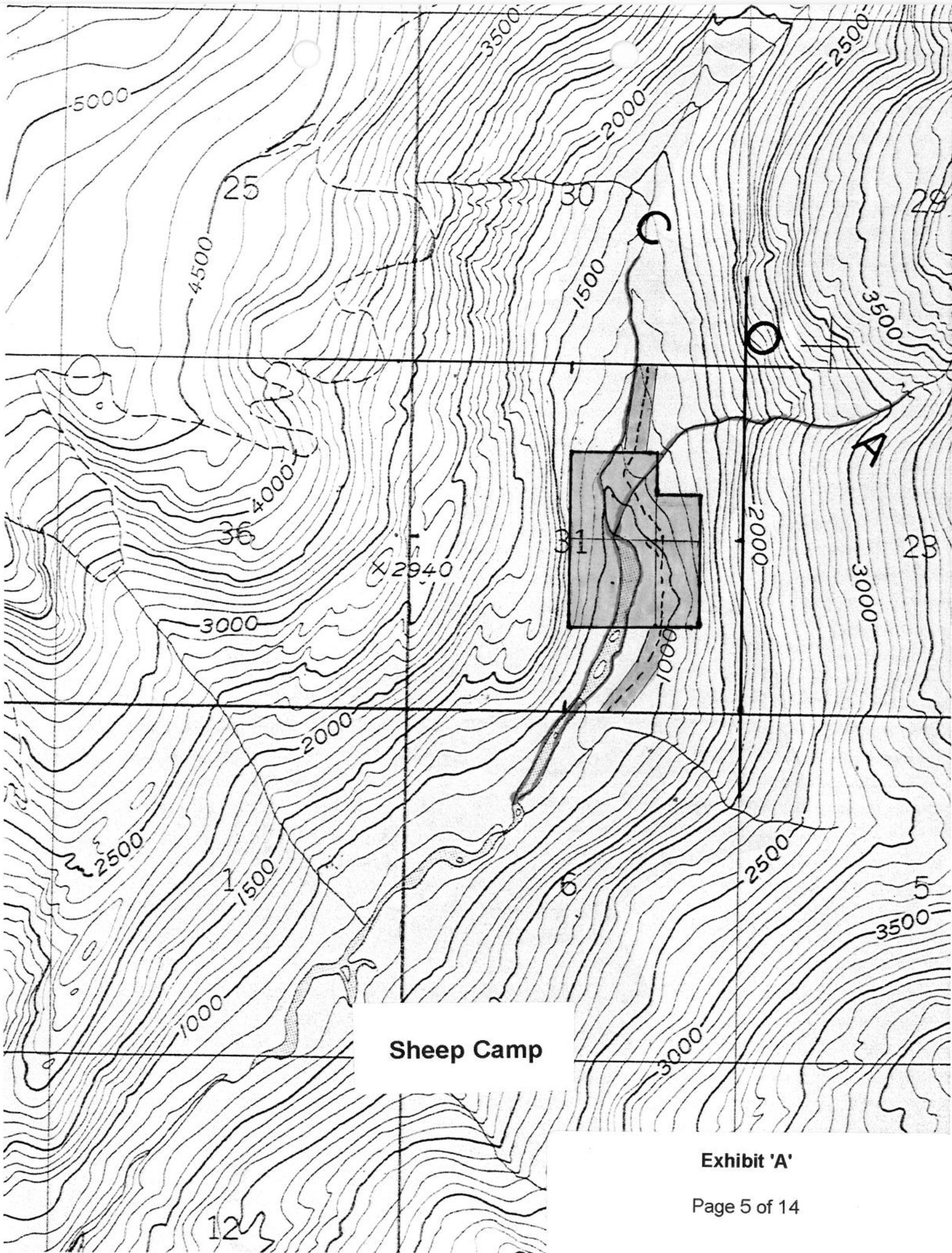
Total acreage: 636.0 acres +/-

-  = Assigned Land
-  = Easement Management



T25S R60E, CRM

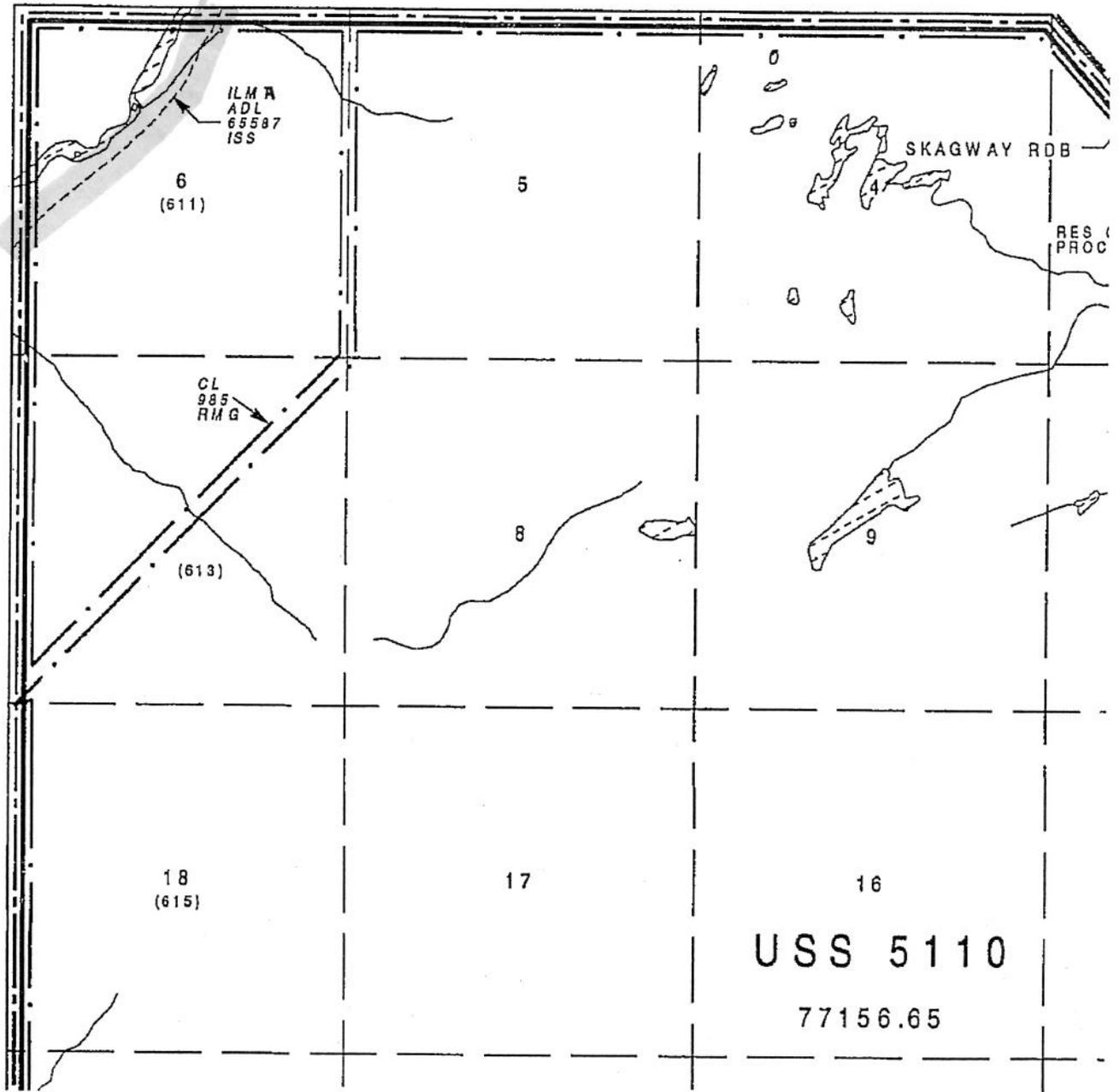
Exhibit 'A'



Sheep Camp

Exhibit 'A'

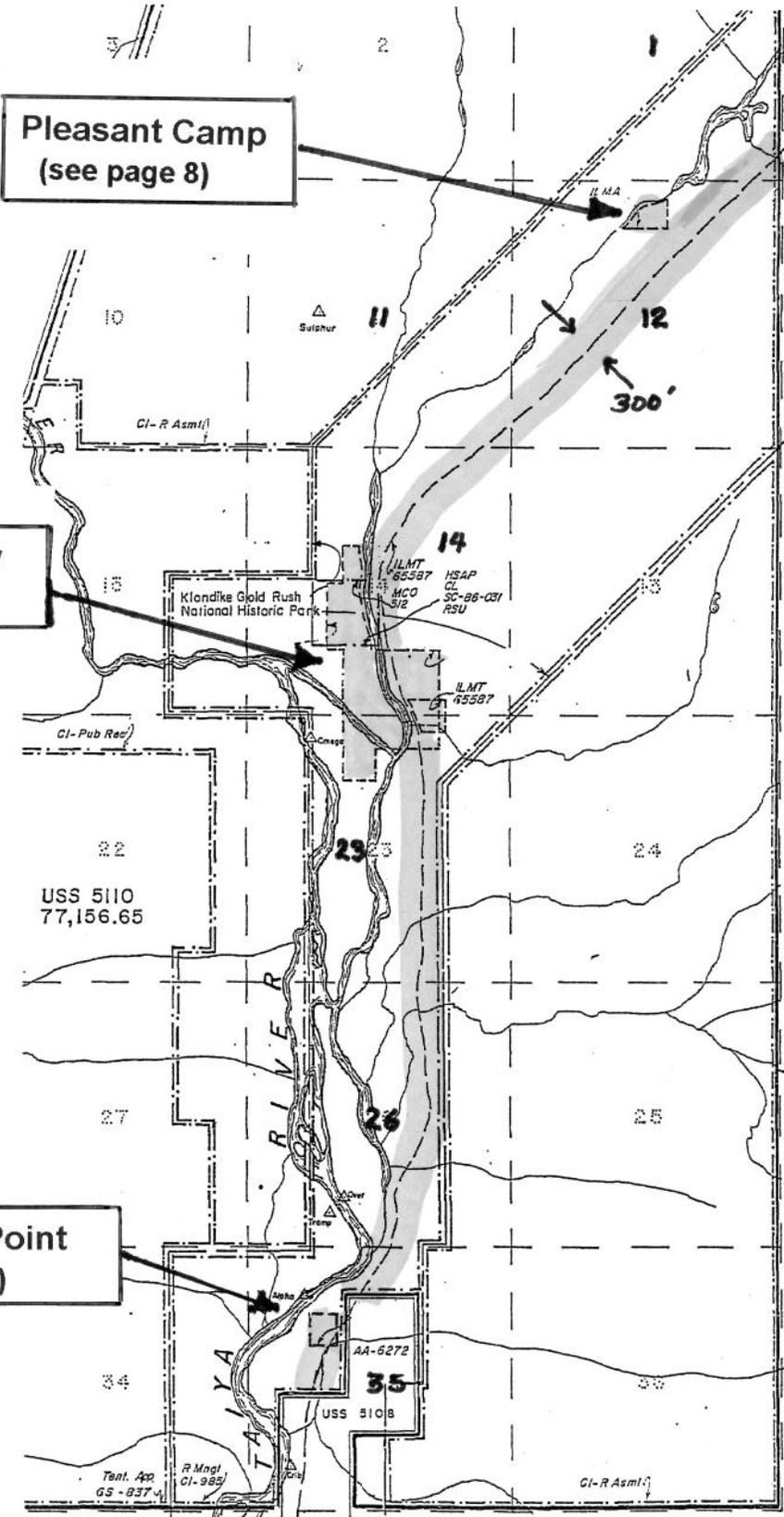
Page 5 of 14



T26S R60E, CRM

Exhibit 'A'

Page 6 of 14



Pleasant Camp
(see page 8)

Canyan City
(see page 9)

Finnegans Point
(see page 10)

T26S R59E, CRM

Exhibit 'A'

Page 7 of 14

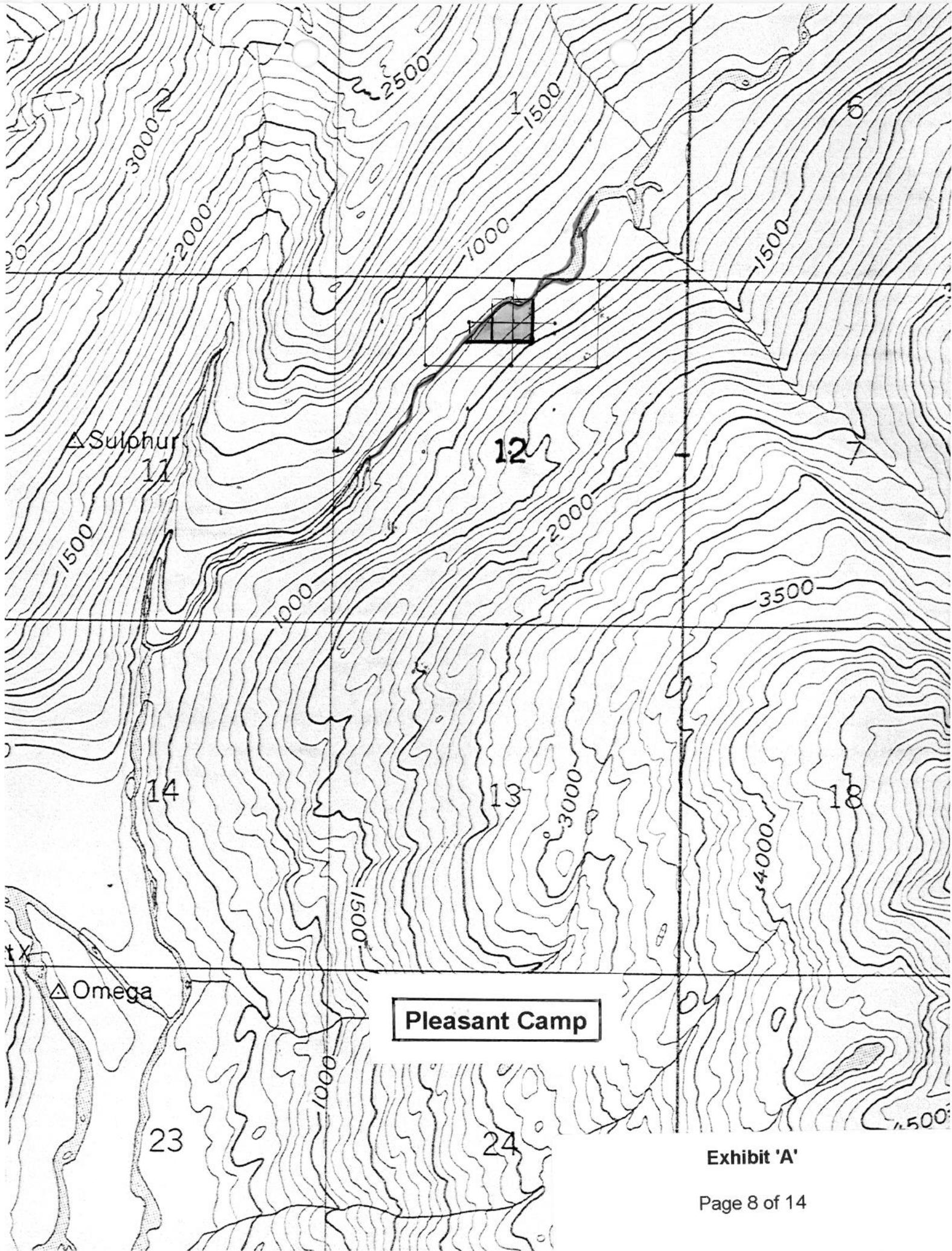


Exhibit 'A'

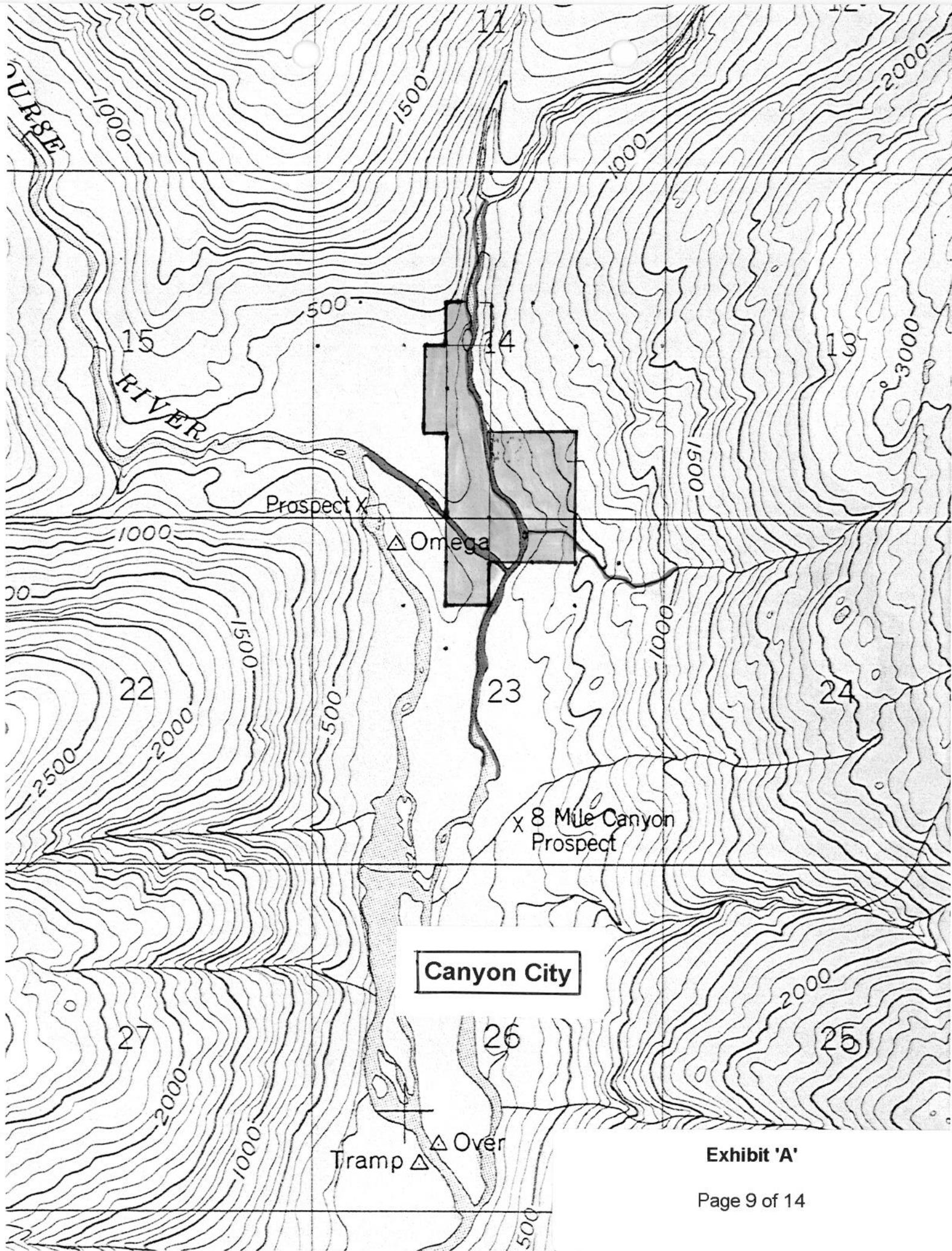
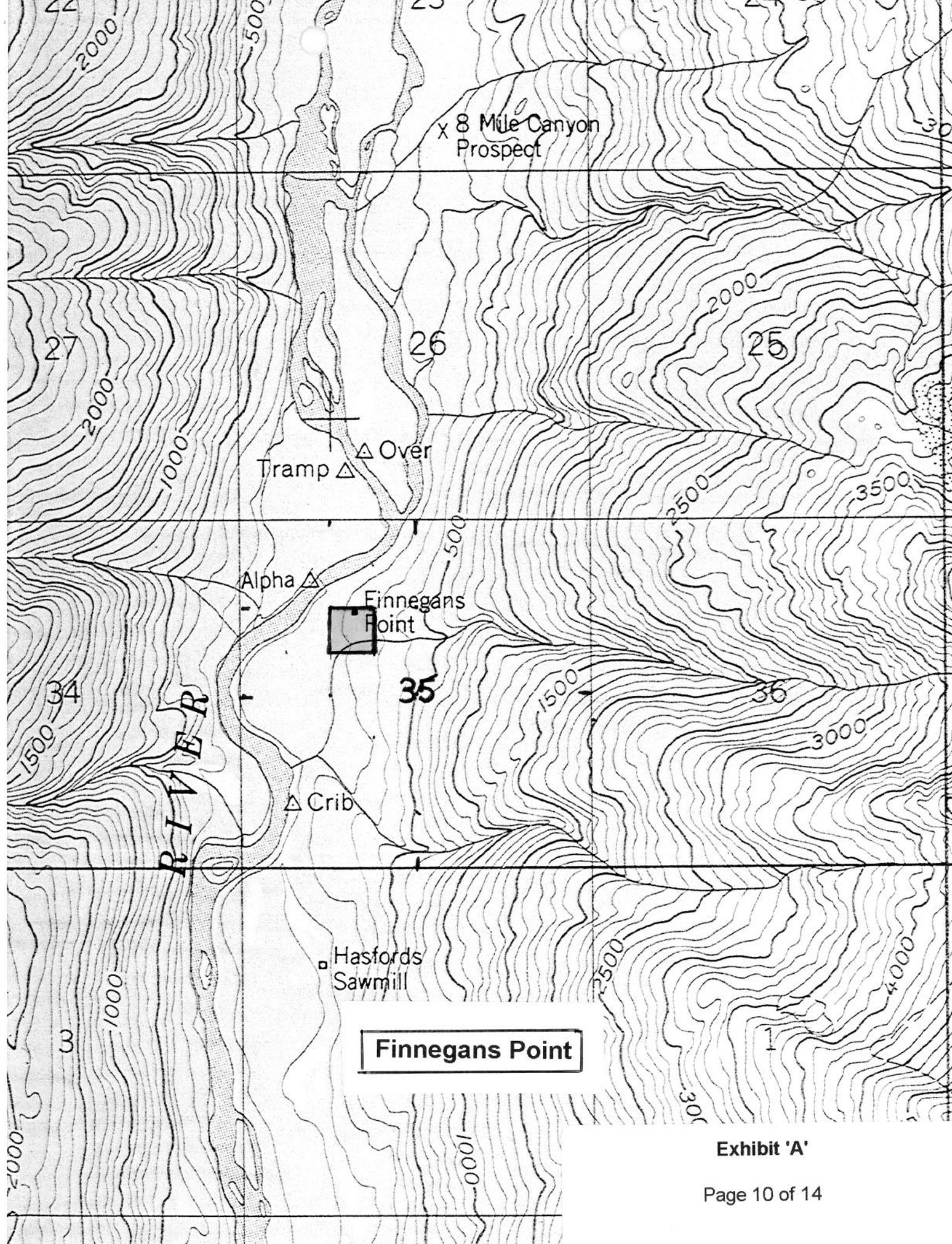
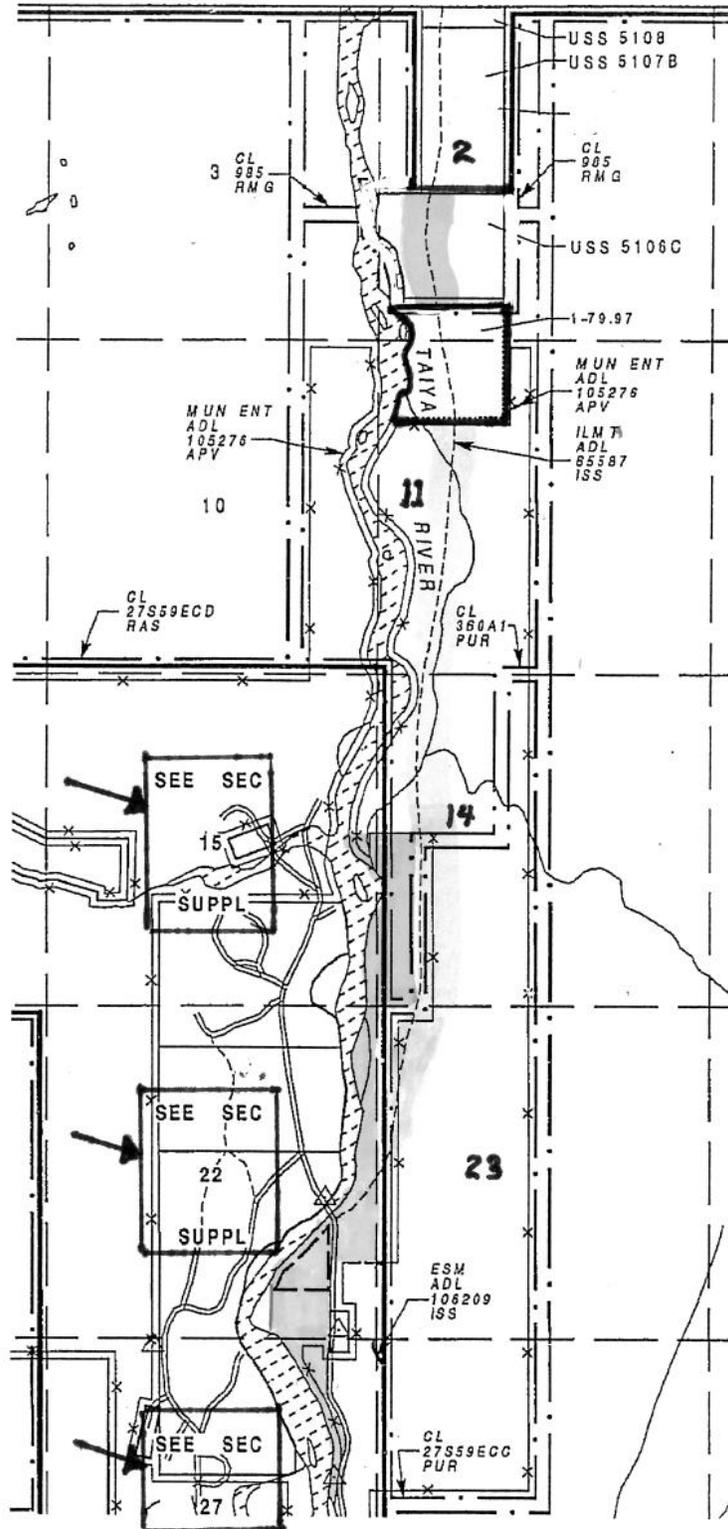


Exhibit 'A'



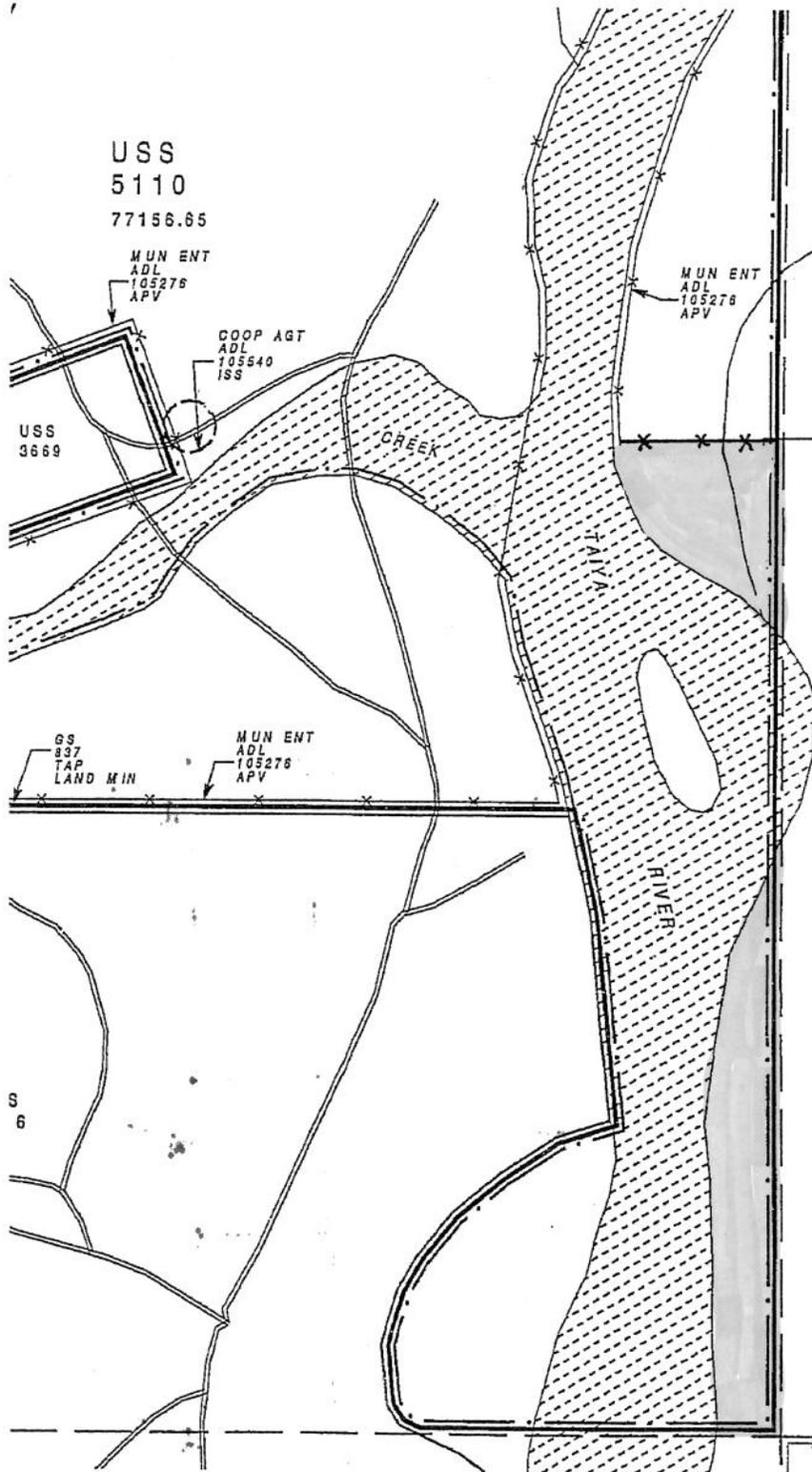
Finnegans Point

Exhibit 'A'



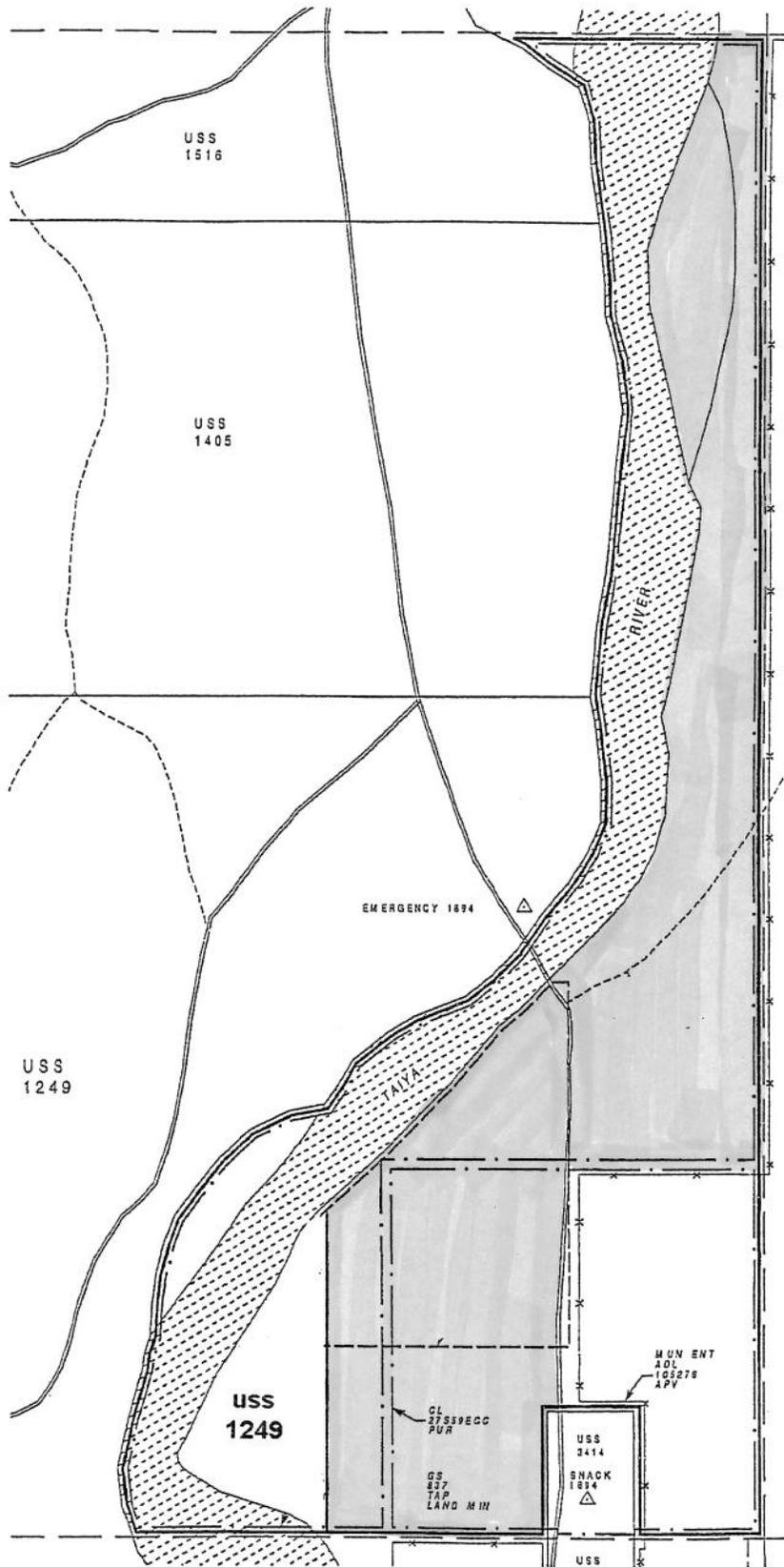
T27S R59E, CRM

Exhibit 'A'



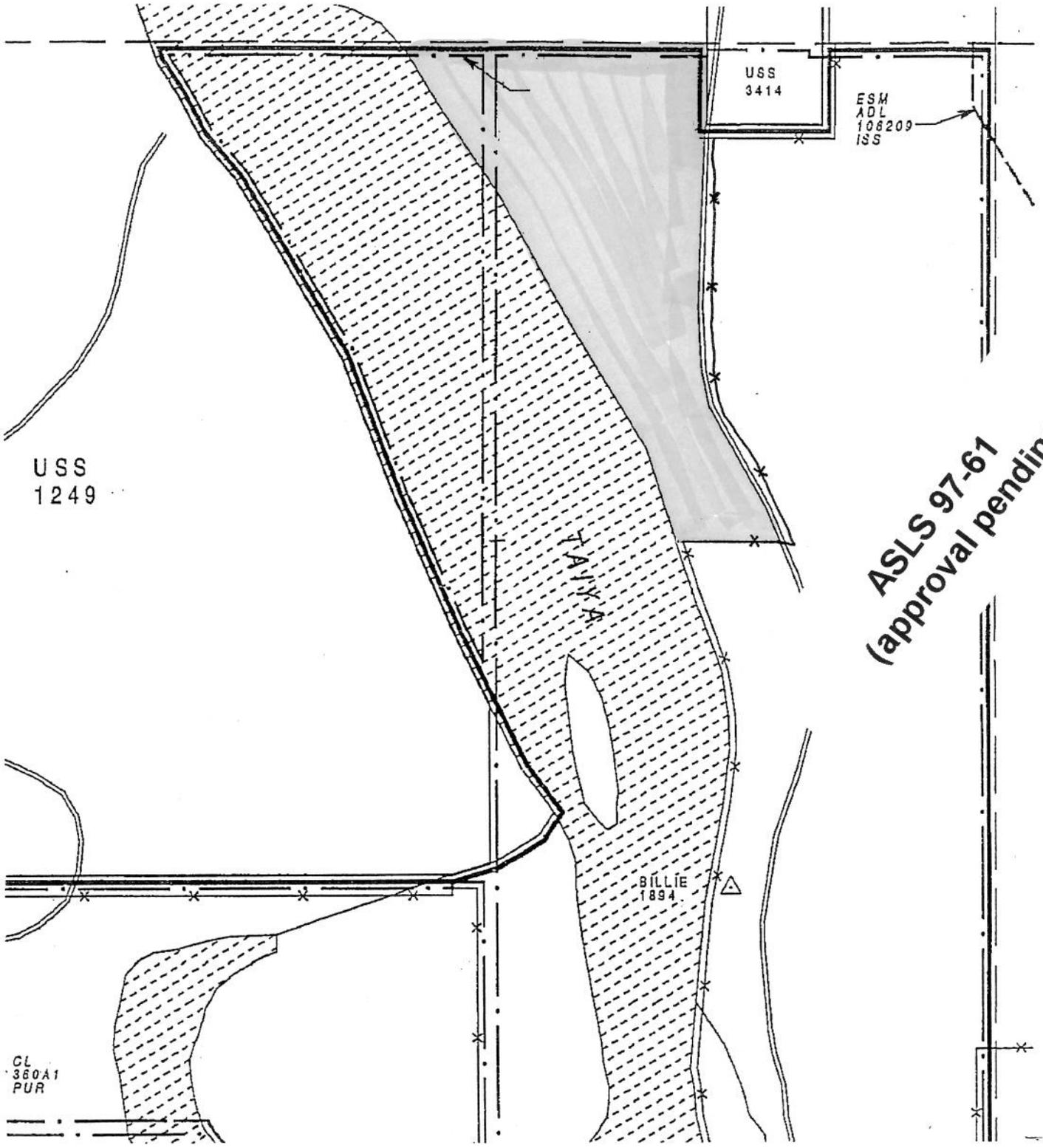
Section 15
T27S R59E, CRM

Exhibit 'A'



Section 22
T27S R59E, CRM

Exhibit 'A'



ASLS 97-61
(approval pending)

Section 27
T27S R59E, CRM

Exhibit 'A'

EXHIBIT 'B'

INTERAGENCY LAND MANAGEMENT ASSIGNMENT STIPULATIONS

ADL 65587

- 1) **Public Access.** This assignment is subject to all platted easements, rights-of-way and reservations of record. Additional easements and rights-of-way may be dedicated or vacated through normal surveying and platting processes which involve both agencies
- 2) **Term and Review of Assignment.** The term of this assignment is indefinite. However, pursuant to AS 38.04.060 (b), this assignment is subject to review by the Division of Mining, Land & Water for possible utilization other than for the purposes assigned when considered in the best interest of the state. This assignment is subject to cancellation in whole or any part within sixty days upon written notice to the assignee. If a review shows: the site is abandoned; significant non use ; a violation of the terms and conditions of the assignment; or if the site is needed for a different state interest, the division may revoke the ILMA in whole or part and require rehabilitation of the site to a condition satisfactory to the director
- 3) **Inspections.** The assigned land is subject to inspection by the Division of Mining, Land & Water during the term of this assignment to determine compliance with the assignment stipulations .
- 4) **Materials and Minerals.** This assignment does not authorize the use of the subsurface estate or any materials on the site unless specifically authorized by stipulation, or authorized in writing by the Division of Mining, Land & Water. Pursuant to 11AAC 71.015, the assignee shall not sell, transfer, or donate material including gravel, sand, rock, or peat to a third party except as necessary to construct and maintain the facility when materials are used within the confines of this assignment.
- 5) **Timber Resources.** If clearing timber on the site is required, any useable timber shall be made available to the public. Assignee must coordinate with the Division of Forestry, DNR, prior to any clearing of timber.
- 6) **Third Party Interests.** The assignee is granted the authority, to issue authorizations in the form of permits and agreements that do not create a third party interest, without notifying the DMLW. Prior to issuance of Park Land Use Permits, as defined in the Division of Parks and Outdoor Recreation Policy #100600, the Division of Parks and Outdoor Recreation must receive written approval from DMLW. Unless otherwise approved by the Regional Manager, permits and agreements made by the assignee shall not survive the expiration, relinquishment, or termination of the ILMA herein granted. Park Land Use Permits will be transferred to the DMLW on a case-by-case basis.
- 7) **Location of Improvements.** Pursuant to AS 38.95.160, a professional architect, engineer, or surveyor shall supervise the location and design of any improvements on the tract and shall be responsible for preparing a survey plat for recording in the appropriate recording district if the costs are more than \$100,000. Each registered professional shall be responsible for that part of the project to which his or her license pertains.
- 8) **Returned Land.** Land returned to the Division of Mining, Land & Water, DNR, for any reason shall be returned in an environmental and physical condition acceptable to the Director, Division of Mining, Land & Water, within three (3) years, subject to funding restrictions, from the date this assignment is abandoned, relinquished, or terminated. This may include rehabilitation of the site and/or removal of any improvements, equipment, and material.
- 9) **Fuel and Hazardous Substances.** Secondary containment shall be provided for fuel or hazardous substances.
 - a) **Exception for the short-term storage of small volumes.** The requirement for secondary containment is waived for those fuels and hazardous substances in containers with a volume of 55 gallons or less which are in place for 7 days or less, provided that the total combined volume in place

without containment of a pad or work area does not exceed 660 gallons for fuel, hydraulic fluid, or lubricants or 55 gallons for other hazardous substances.

- b) **Container marking.** All independent fuel and hazardous substance containers shall be marked with the contents and the owner's name using paint or a permanent label.
 - c) **Fuel or hazardous substance transfers.** Secondary containment or a surface liner must be placed under all container or vehicle fuel tank inlet and outlet points, hose connections, and hose ends during fuel or hazardous substance transfers. Appropriate spill response equipment must be on hand during any transfer or handling of fuel or hazardous substances to respond to a spill of up to five gallons. Transfer operations shall be attended by trained personnel at all times.
 - d) **Storing containers near waterbodies.** Containers with a total capacity larger than 55 gallons which contain fuel or hazardous substances shall not be stored within 100 feet of a water body.
 - e) **Exceptions.** The Division of Mining, Land & Water may, under unique or special circumstances grant exceptions to this stipulation on a case-by-case basis.
 - f) **Definitions.**
 - i) **"Containers"** means any item which is used to hold fuel or hazardous substances. This includes tanks, drums, double-walled tanks, portable testing facilities, fuel tanks on small equipment such as light plants and generators, flow test holding tanks, slop oil tanks, bladders, and bags. Manifolder tanks or any tanks in a series must be considered as single independent containers. Vehicles are not intended to be included under this definition.
 - ii) **"Hazardous substances"** are defined under AS 46.03.826(5) (a) as an element or compound which, when it enters the atmosphere, water, or land, presents an imminent and substantial danger to the public health or welfare, including fish, animals, or vegetation; (b) oil; or (c) a substance defined as a hazardous substance under 42 U.S.C. 9601(14).
 - iii) **"Secondary containment"** means an impermeable diked area or portable impermeable containment structure capable of containing 110 percent of the volume of the largest independent container. Double-walled tanks do not qualify as secondary containment unless an exception is granted for a particular tank.
 - iv) **"Surface liner"** means any safe, non-permeable container (e.g., drips pans, fold-a-tanks, etc.) designed to catch and hold fluids for the purpose of preventing spills. Surface liners should be of adequate size and volume based on worst-case spill risk.
10. **Spill Notification.** The assignee shall immediately notify the Department of Environmental Conservation (DEC) by telephone, and immediately afterwards send DEC a written notice by facsimile, hand delivery, or first class mail, informing DEC of: any unauthorized discharges of oil to water, any discharge of hazardous substances other than oil; and any discharge or cumulative discharge of oil greater than 55 gallons solely to land and outside an impermeable containment area. If a discharge, including a cumulative discharge, of oil is greater than 10 gallons but less than 55 gallons, or a discharge of oil greater than 55 gallons is made to an impermeable secondary containment area, the assignee shall report the discharge within 48 hours, and immediately afterwards send DEC a written notice by facsimile, hand delivery, or first class mail. Any discharge of oil, including a cumulative discharge, solely to land greater than one gallon up to 10 gallons must be reported in writing on a monthly basis. The posting of information requirements of 18 AAC75.305 shall be met. Scope and Duration of Initial Response Actions (18 AAC 75.310) and reporting requirements of 18 AAC 75, Article 3 also apply.

The assignee shall supply DEC with all follow-up incident reports. Notification of a discharge must be made to the nearest DEC Area Response Team during working hours: Anchorage (907) 269-7500, fax (907) 269-7648; Fairbanks (907) 451-2121, fax (907) 451-2362; Juneau (907) 465-5340, fax (907) 465-2237. The DEC oil spill report number outside normal business hours is (800) 478-9300.

- 11) **Indemnity.** In connection with the entry on or use of assigned lands, subject to the limitations and provisions of AS 09.50.250-270 and AS 37.05.170, the Assignee shall ensure that its contractors and subcontractors shall indemnify, save harmless, and defend the state, its agents and its employees from any and all claims or actions for injuries or damages sustained by any person or property arising directly or indirectly from the construction or the contractor's performance of the contract, except when the sole proximate cause of the injury or damage is the state's negligence.
- 12) **Liens and Assessments.** The Assignee is responsible for paying all liens, assessments or other encumbrances against the property.
- 13) **Transfer of Rights.** The subject property will not be subdivided, sold, leased, exchanged or otherwise transferred

All of the above stated terms and conditions of the interest conveyed herein are hereby accepted by the Division of Parks and Outdoor Recreation for public purposes this 18th day of November, 2002.

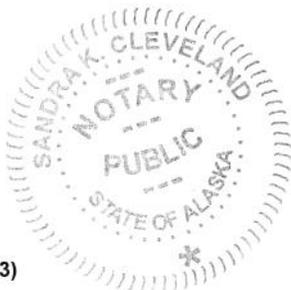


 Jim Stratton, Director
 Division of Parks and Outdoor Recreation

UNITED STATES OF AMERICA)
 State of Alaska)
 Third Judicial District)

This is to certify that on this 18th day of November, 2002 before me personally appeared Jim Stratton, Director of the Division of Parks and Outdoor Recreation, Department of Natural Resources of the State of Alaska, who executed the foregoing Interagency Land Management Assignment and acknowledged voluntarily signing the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, on the day and year shown above.



Sandra K. Cleveland
 Notary Public in and for the State of Alaska
 My Commission expires: 11/24/03