



STATE OF ALASKA
Department of Natural Resource
Division of Mining, Land and Water

INTERAGENCY LAND MANAGEMENT ASSIGNMENT
Chignik Lagoon Airport Renovation
Chignik Lagoon, Alaska
ADL # 230396

The Department of Natural Resources, Division of Mining, Land and Water, Southcentral Region, 550 W. 7th Ave., Suite 900C, Anchorage, AK 99501-3577, hereinafter known as the Assignor, assigns to the Department of Transportation & Public Facilities, 4111 Aviation Drive, Anchorage, AK 99502, hereinafter known as the Assignee, certain jurisdiction and management rights to the land described on the attached Exhibit "A".

Jurisdiction and management includes the authority to manage the surface and so much of the subsurface as specified in the development plan approved by the Division of Mining, Land and Water, in order to make use of the land as part of the Chignik Lagoon airport 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 those expressly stated in the approved development plan Exhibit "C", and is subject to the stipulations attached and made part of this document as Exhibit "B". As stated in the Administrative Decision, the tidelands will be used to reconstruct a runway embankment.

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. 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 Regional Manager of the Division of Mining, Land & Water.

This Interagency Land Management Assignment (ILMA) will remain in effect as long as the land is managed to provide for an airport expansion and renovation.

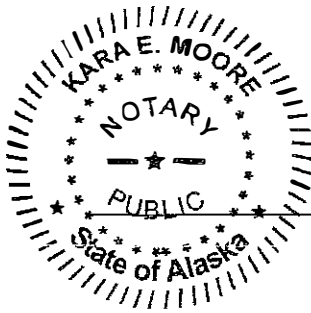
Dated this 8th day of September, 20 08

Richard Thompson
Richard Thompson, Regional Manager
DNR - Division of Mining, Land and Water

UNITED STATES OF AMERICA }
State of Alaska }
3rd Judicial District }

THIS IS TO CERTIFY that on this 8th day of September, 20 08 before me personally appeared Richard Thompson of the Department of Natural Resources of the State of Alaska, who executed the foregoing Interagency Land Management Assignment and acknowledged he/she voluntarily signed the same.

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



Kara E. Moore
Notary Public in and for the State of Alaska
My commission expires: with office

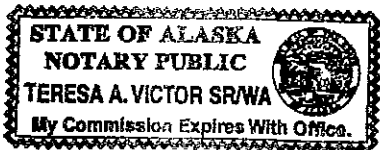
The terms and conditions of the interest conveyed herein are hereby accepted by the State of Alaska, Department of Transportation & Public Facilities, for public purposes this 8TH day of SEPTEMBER, 20 08.

Mike Hartman
Mike Hartman - Chief, Right of Ways
Department of Transportation / Public Facilities

UNITED STATES OF AMERICA }
State of Alaska }
3rd Judicial District }

THIS IS TO CERTIFY that on this 8th day of September, 20 08 before me personally appeared Mike Hartman of the Department of Transportation & Public Facilities, of the State of Alaska, who executed the foregoing Interagency Land Management Assignment and acknowledge he/she voluntarily signed the same.

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



Teresa A. Victor
Notary Public in and for the State of Alaska
My commission expires: With Office

Interagency Land Management Assignment: ADL # 230396

EXHIBIT A

The following state owned tidelands are covered under this management assignment:

A single parcel of tidelands, 0.86 acres within Section 31, Township 45 South, Range 59 West, of the Seward Meridian.

Also depicted in the Chignik Lagoon Airport, Right of Way Required diagram, dated May 2008, Exhibit "C."

- **Judicial District :** Third
- **Recording District:** Aleutian Islands. Alaska

Interagency Land Management Assignment: ADL # 230396
EXHIBIT B

1. **Public Access Easements.** This ILMA is subject to all platted easements, valid existing rights, or 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. This assignment is also subject to the provisions of the Public Trust Doctrine. The Alaska Constitution guarantees any citizen of the United States or resident of the state the right of access to navigable and public waters of the state. The Public Trust Doctrine further guarantees the public right to use navigable waters and the land beneath them for navigation, commerce, fishing, and other purposes.
2. **Return/Relinquishment.** The Department Transportation and Public Facilities (ADOT&PF) will provide written notification of their intent to return management authority to Division of Mining, Land and Water (DMLW). Notification shall be given a minimum of 90 days prior to expected return of the lands and will clearly identify all improvements, interest and active authorizations on site and a plan for dealing with these improvements/interests.
3. **Returned Land.** Land returned by the Assignee to the Department of Natural Resources (DNR), DMLW, for any reason shall be returned in an environmental and physical condition acceptable to the Regional Manager of the, DMLW. Site rehabilitation may require the removal of improvements, equipment, and material.
4. **Review of Assignment.** Pursuant to AS 38.04.060(b), this assignment is subject to review every five (5) years by the DMLW 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; has significant non use relative to an approved development plan; has a violation of the terms and conditions of the assignment, such as a new use not authorized in an approved development plan; 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 Regional Manager. The assignee shall, upon request, provide assistance in the form of written verification that the lands are still required for public recreation purposes.
5. **Inspections.** The assigned land is subject to inspection by the DMLW during the term of this assignment to determine compliance with the assignment stipulations and conformance with the development plan.
6. **Project Construction and Survey.** The Assignee is responsible for compliance with AS 38.95.160 (i.e. project will be supervised by a registered professional per AS 08.48 and documented by a recorded plat). In addition, the Assignee is responsible for compliance with the survey requirements of the platting authority as it relates to this project.
7. **Project Development.** The diversion or other modification of any drainages, or the addition of a fuel or chemical storage area will be developed, at a minimum, in concurrence with EPA and DEC standards.
8. **Materials and Minerals.** 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, consistent with the approved development plan, when materials are used within the confines of this assignment.

9. **Fire Liability.** The Assignee shall maintain the tract area in a fire safe manner and shall assume full liability for any damages to state land resulting from the negligent use of fire.
10. **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.
 - c. **Fuel or hazardous substance transfer.** Secondary containment or drip pans 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.
 - d. **Storing containers near waterbodies.** Containers with a volume larger than 55 gallons, which contain fuel or hazardous substances, shall not be placed within 100 feet of a waterbody.
 - e. **Definitions.**

“Containers” is defined as any item which is used to hold fuel or hazardous substances including, tanks, drums, fuel tanks on small equipment such as light plants and generators, flow test holding tanks, slop oil tanks, bladders and bags. Manifold tanks must be considered as a single independent container. Vehicles are not intended to be included under this definition.

“Hazardous Substances” is defined under AS 46.03.826(5) as (a) an element or compound which, when it enters the atmosphere, water, or land, presents and imminent and substantial danger to 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).

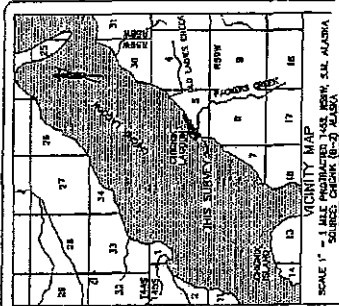
“Secondary Containment” is defined as an impermeable diked area or portable impermeable containment structure capable of containing 110 percent of the volume of the largest independent container. Double-walled tanks do not qualify as secondary containment unless an exception is granted for a particular tank.

11. **Notification of Unauthorized Discharge.** The Assignee shall immediately notify the DNR, by phone, of any authorized discharges of oil to water, any discharge of hazardous substances (other than oil), and any discharge of oil greater than 55 gallons solely to land and outside an impermeable revetment. If a discharge of oil is greater than 10 gallons but less than 55 gallons, it must be reported within 48 hours by phone or fax. If a discharge is less than 10 gallons, it may be reported in writing on a monthly basis.

The DNR 24-hour spill report number is (907) 451-2678, the fax number is 451-2751. The DNR shall be supplied with all follow-up incident reports.

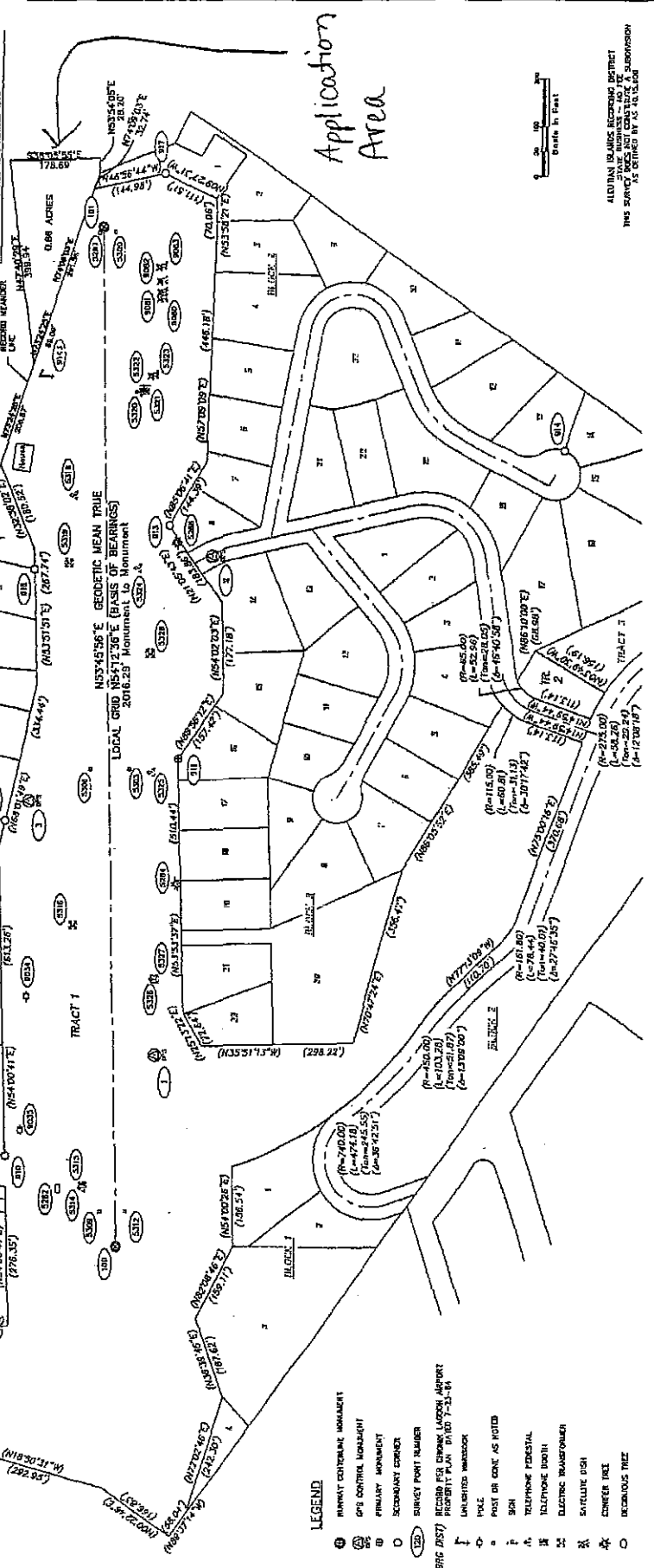
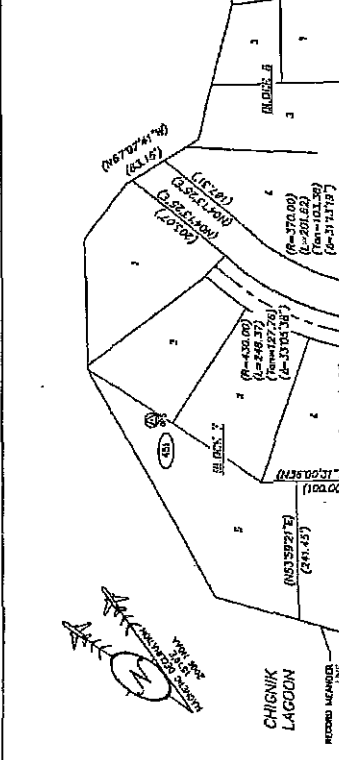
12. **State and Federal Statutes and Regulations.** The Assignee shall comply with applicable state and federal statutes and regulations and local ordinances.

13. **Indemnification.** 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.
14. **Transfer of Rights.** The subject property will not be subdivided, sold, leased, exchanged or otherwise transferred without written approval from the DMLW.
15. **Liens and Assessments.** The Assignee is responsible for paying all liens, assessments or other encumbrances against property.
16. **Alaska Historic Preservation Act.** The Alaska Historic Preservation Act (AS 41.35.200) prohibits the appropriation, excavation, removal, injury, or destruction of any state owned historic, prehistoric (paleontological) or archaeological site without a permit from the commissioner. Should any sites be discovered during the course of field operations, activities that may cause damage will cease and the Office of History and Archaeology (907) 269-8715/8720 and the appropriate coastal district shall be notified immediately.
17. **Waste Disposal.** On-site disposal of solid waste is prohibited. All solid waste and foreign debris must be eliminated by removal to an off-site DEC approved disposal facility or by burning (if a paper product). Waste, in this paragraph means all discarded matter, including, but not limited to, trash, garbage, litter, oil drums, petroleum, and discarded equipment. The site must be kept clean at all times. Hazardous waste must not be disposed of on site, but instead must be hauled out for disposal in an approved disposal site.



1. Station elevations were developed from the data by public GPS observations with GNSS leveled airport benchmarks established by Geodroid 2006. The station elevations are shown in parentheses next to the station numbers.
2. The location of Point 41 is based on the coverage of the GPS observations, processed by the CORS utility, (CORS 1995) for CORS 2006/2007.
3. A local boundary determination is not a part of this survey. The Chignik Lagoon Airport Property Fee, dated July 23, 1981, is the record of title for the land shown on this map. The fee is based on the original survey of the land shown on this map. The fee is based on the original survey of the land shown on this map. The fee is based on the original survey of the land shown on this map.
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- LEGEND**
- ① MONUMENT CONTROL MONUMENT
 - ② GPS CONTROL MONUMENT
 - ③ PRIMARY MONUMENT
 - ④ SECONDARY CORNER
 - ⑤ SURVEY POINT NUMBER
 - ⑥ (Bearing Distance) RECORD FOR CHIGNIK LAGOON AIRPORT PROPERTY PLAN DATED 7-23-81
 - ⑦ UNIDENTIFIED MONUMENT
 - ⑧ POLE
 - ⑨ POST OR CORNER AS NOTED
 - ⑩ SIGN
 - ⑪ TELEPHONE PEG
 - ⑫ TELEPHONE DITCH
 - ⑬ ELECTRIC TRANSMITTER
 - ⑭ ELECTRICAL DITCH
 - ⑮ CONCRETE TREE
 - ⑯ DECIDUOUS TREE

<p>ALUTRIAN BEARSK RECORDING DISTRICT THIS SURVEY IS BEING MADE IN ACCORDANCE WITH THE SUBDIVISION ACT, AS AMENDED BY AS 14.05.010.</p>	
<p>CHIGNIK LAGOON AIRPORT RECORD OF SURVEY PROJECT NO. 53955 LOCATED IN SECTION 5, T40S, R03W, S 4.</p>	
<p>DATE OF SURVEY APPROVED DATE OF RECORDING</p>	<p>DATE OF RECORDING PROJECT NUMBER</p>
<p>BY</p>	<p>DATE</p>

Exhibit C, P1

**State of Alaska
Department of Natural Resources
Division of Mining, Land and Water
Southcentral Region**

**Administrative Decision
Application for an Interagency Land Management Assignment / ADL 230396
Chignik Lagoon Airport Upgrade**

This administrative decision provides for the assignment of management authority of two parcels of State-owned land to the Alaska Department of Transportation and Public Facilities (DOT) for acreage needed in the runway repair and upgrade of the Chignik Lagoon Airport. DOT applied for management of .86 acres of submerged lands needed for the repair of the runway.

Requested Action

On May 8, 2008, The Alaska Department of Transportation and Public Facilities, Central Region, P.O. Box 196900, Anchorage, AK, submitted an application for an interagency land management assignment (ILMA) to the Alaska Department of Natural Resources, Division of Mining, Land and Water (ADNR, DMLW), Southcentral Region Land Office (SCRO), for a .86 acre parcel of tidelands, to be used to repair and upgrade the runway for Chignik Lagoon, Alaska airport by adding new runway embankment. Since original construction in 1960 the lagoon shoreline has moved, reducing the runway length.

Project Overview

The project consists of upgrading and repairing the Chignik Lagoon Airport, restoring the runway from 1600' x 90' to 2200' x 90', adding an apron and apron access road, a designated runway crossing and drainage improvements. The submerged parcel authorized by this ILMA will be used to increase the length of the runway. Construction activities on adjacent upland areas will comply with applicable State and Federal guidelines and the terms and conditions of the necessary permits. To comply with the Public Trust Doctrine, this section of the Chignik Lagoon will not be closed to recreational or commercial boating, fishing, hunting, trapping, or other general recreational activities.

Legal Authority

AS 38.05.020 AS 38.05.030
AS 38.05.035 AS 38.05.027

Administrative Record

Casefile ADL 230396, applicant DOT

Location

A. Legal Description: Parcel 1 (Chignik Lagoon), .86 acres within Section 5, Township 45 South, Range 59 West, Seward Meridian, as depicted in "Attachment A."

- B. General Location: The Chignik Lagoon, Alaska Airport is located at Chignik Lagoon, on the Alaska Peninsula.
- C. Borough: Lake and Peninsula Borough
- D. Regional Corporation: Bristol Bay Native Corporation
- E. Coastal District: Bristol Bay CRSA
- F. Recording District: Aleutian Islands

Land Title

- A. Status: The State owns title to the parcel within Section 5, Township 45 South, Range 59 West, Seward Meridian under the Submerged Lands Act of 1953. The parcel is submerged beneath Chignik Lagoon.

Third Party Interests

There are no known third party interests.

Alaska Coastal Management Program Review

The ACMP review for the full project scope began May 12th, 2008; the final consistency concurrence was issued June 30, 2008.

Public Notice

Public Notice was conducted by DOT Central Region as part of their Environmental Assessment process. Through that process issues were identified and mitigated to the furthest extent possible. ADNR, MLW also conducted a 30-day internet public notice from May 15, 2008 to June 13, 2008.

ADNR, MLW completed an agency review for the application by DOT for an ILMA. This review was open from 5/15/2008 to 6/10/2008 for comment. Seven agencies were notified and sent the review packet, ADNR SHPO, ADF&G, DOT, ADEC, Bristol Bay Borough, ADNR OHMP, and EPA. One comment was received, ADF&G had no concerns provided that public access for navigation, commerce, fishing, and other purposes along the tidelands and shoreline is not precluded. This is addressed in "Exhibit B" stipulation #1.

Permits and Authorizations

ADOT&PF has acquired all the necessary permits and authorizations including the FAA Finding of No Significant Impact, COE Section 404 Wetlands permit, ADEC Section 401 Water Quality Certification, and an EPA NPDES permit.

Fee

According to 11 AAC 05.010 (e)(15), an ILMA authorization is subject to a one-time fee of \$3,000 or seven percent of the fair market value, whichever is less. However, a fee waiver is available under 11 AAC 05.010 (e)(15)(A) if the site will be open to public use and no significant capital investment will be made. ADL 230396 is eligible for the fee waiver as there will be minimal improvement to the land and the site is open to the public, and for a public purpose.

Term

The term of this ILMA will be in perpetuity, or as long as needed for the stated purposes, to the ADOT&PF contingent upon the stipulations of this contract being fully performed.

RECOMMENDATION

Because an ILMA is issued in order to further a specific state objective, usually one that requires the expenditure of state funds for intense management practices, and "airport runways, and other facilities directly associated with the operation of an airport" is on the list of activities that may be authorized under an ILMA, it is recommended that ADNR, MLW, SCRO issue this ILMA. It is recommended that this ILMA remain in effect as long as the land is needed for Chignik Lagoon runway embankment.

Interagency Land Management Assignment: ADL # 230396

Kara Moore
Kara Moore, NRSII

8/7/08
Date

I concur
Richard B. Thompson
Richard B. Thompson, Regional Manager
Southcentral Region/DMLW

I do not concur
9/3/08
Date