

STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER
Southeast Regional Office, 400 Willoughby, P.O. Box 111020
Juneau, AK 99811-1020, (907) 465-3400

ENTRY AUTHORIZATION
Under AS 38.05.850

EASEMENT # ADL 108261

Niblack Project LLC hereinafter "Grantee" is issued this Entry Authorization (EA) by DNR, Division of Mining, Land and Water, hereinafter "Grantor" to survey and develop a **PRIVATE NON-EXCLUSIVE** easement on the following described land:

An easement 30 feet in width, and 480 feet in length, and located within Copper River Meridian, Township 78 South, Range 88 East, Section 34.

The easement also affects the adjacent upland parcel, Mineral Survey No. 644, owned by the applicant and located within Copper River Meridian, Township 78 South, Range 88 East, Section 34.

The Development Plan for this easement is shown on Attachment B dated January 24, 2014.

This EA is effective beginning August 26, 2016 and ending on August 25, 2021. The EA is considered to be a part of the easement authorization; therefore, the approved easement term of twenty-five (25) years is inclusive of the EA time period of ninety days and any extension thereof.

As provided under AS 38.05.850, this EA grants non-exclusive use for the purpose of entry, site development, as-built survey, and for use of authorized improvements placed in the proposed easement corridor until the actual easement is granted.

Development shall be limited in form and scope to those improvements, and the general alignment shown on the Development Plan (Attachment "B"). Land use shall not exceed the approved easement dimensions, unless approved in writing by the regional office prior to installation or construction. Only those improvements shown on the Development Plan (Attachment "B") are authorized to be constructed and maintained under this EA. Use of the land for any other purpose is prohibited.

This **Entry Authorization** is issued subject to:

- 1) **ACCEPTANCE** of the terms and conditions of the Easement Agreement and Special Stipulations, **Attachment A**; authorization will be issued once all of the following requirements for issuance have been provided;
- 2) **COMPENSATION**. Payment of an annual use fee in the amount of \$200.00, which will be due on or before _____ of each year or portion thereof covered under this authorization;
- 3) **INSURANCE**. Proof of insurance as required in **Attachment A, Easement Special Stipulations**;
- 4) **PERFORMANCE GUARANTY**. Maintenance of a performance guaranty in the amount of \$3,900.00;

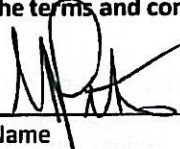
- 5) AS-BUILT SURVEY. Completion of an acceptable AS-BUILT Survey plat of the prospective easement area prepared to Division of Mining, Land and Water (DMLW) standards. The area shown on the Development Plan (Attachment B) is the basis for the survey area; and
- 6) OTHER AUTHORIZATIONS. The issuance of this EA does not relieve the Grantee of the responsibility to obtain authorizations required by other agencies for this land use.
- 7) EXISTING EASEMENTS. Should this easement superimpose on an already dedicated right-of-way or easement, nothing in this EA is intended to allow Grantee to interfere with the primary purpose of the dedicated right-of-way or easement; such interference is an actionable cause at law. Nothing in this EA is intended to deny the Division of Mining Land and Water the right to grant other parallel or crossing easements providing that they do not significantly interfere with the senior easement or providing that the senior user is compensated.
- 8) NON-EXCLUSIVE USE. The State reserves the right to allow other like or compatible uses of the easement and the right to require such users to enter into an equitable maintenance agreement with the holder of this EA. The equitable nature of any such agreement shall be determined by the Director.

Entry Authorization Extensions: An extension of this Entry Authorization (that is required because of the Grantee or its contractor's failure to meet or provide all pre-requisite requirements for the issuance of the lease on or before the expiration date) will be considered upon receipt of a written request and \$100 filing fee.


OPTIONAL -- A prerequisite requirement for such an extension may be the remittance of a deposit equal to the estimated cost of completing the required survey and/or appraisal. Any portion of said deposit not utilized for the purpose for which it was required will be refunded (AS 38.05.860(a)).

Termination of Easement Interest: Failure to provide the required deliverables as described above and within the timeframe identified for the Entry Authorization may be considered cause for termination of any easement interest.

Signature of Grantee or Authorized Representative of the Grantee hereby accepting and agreeing to comply with the terms and conditions of this Entry Authorization:


 Name _____ Title DIRECTOR Date 8/22/2016

Signature of Authorized DNR Representative:


 Robert H. Edwardson, SE Regional Manager _____ Date 8/26/2016

Direct all questions regarding this authorization to: Division of Mining, Land and Water, Southeast Region, 400 Willoughby Avenue, PO Box 111020, Juneau, Alaska 99811-1020, (907) 465-3400.