

## TEMPORARY LAND ACCESS AUTHORIZATION

This Temporary Land Access Authorization (“Authorization”) is made as of the 18<sup>th</sup> day of August, 2020 (the “Effective Date”) by and between the State of Minnesota, Department of Natural Resources, 500 Lafayette Road, St. Paul, Minnesota 55155-4045 (hereinafter referred to as the “State”), and Twin Metals Minnesota LLC, 380 Saint Peter Street, Suite 705, St. Paul, Minnesota 55102, a Minnesota limited liability company (hereinafter referred to as “Twin Metals”);

WHEREAS, pursuant to Minnesota Statutes, sec. 84.027, subd. 2, the commissioner of natural resources has charge and control of all the public lands of the state under the commissioner’s jurisdiction and control of the use, sale, leasing, or other disposition thereof;

WHEREAS, Twin Metals has proposed the use of certain State-owned lands in Lake County for auxiliary mining purposes;

WHEREAS, Twin Metals has proposed the use of certain lands within the 1854 Ceded Territory for auxiliary mining purposes;

WHEREAS, the State has not authorized use of these lands for the proposed purpose and has determined that significant environmental data and other information is required to fully evaluate the proposed use;

NOW THEREFORE, IT IS AGREED AS FOLLOWS:

1. The State in consideration of the terms, conditions, and agreements contained herein, and the payment of \$100.00 by Twin Metals, hereby authorizes Twin Metals, including its employees, agents, and contractors, the non-exclusive right to use for the activities described below in paragraph 2, the following described premises (hereinafter referred to as the “Premises”):

Southwest Quarter of the Southwest Quarter (SW 1/4-SW 1/4) in Section 15, and

All of Section 16,

in Township 61 North, Range 11 West, in Lake County, Minnesota, comprising of 680 acres, more or less.

2. Twin Metals is authorized to access the Premises for purpose of undertaking field work to conduct the following work on the Premises:
  - a. Archaeological resource surveys outlined as follows:
    - i. This work would include Phase IA visual assessments to ascertain whether above-ground archaeological features are present, to assess whether portions of the study area have been extensively disturbed and identify archaeological potential of the study area.
    - ii. Phase IB shovel testing would be conducted within the study area to assess the existence of artifacts. In areas assessed as having a moderate to high potential to contain archaeological artifacts, shovel testing would be conducted at 50-ft intervals (as allowed by natural and topographic characteristics) and involve small circular excavations (approximately 14-16 inches in diameter).
    - iii. Phase II archaeological evaluations, if needed, to determine if any archaeological resources are eligible for listing in the National Register.

All activities shall be conducted using hand-held tools. Surface disturbance while conducting these activities shall be minimal.

- b. Architectural history survey and evaluations, if needed, to determine if there are structures eligible for listing in the National Register. There will be no surface disturbance during these activities.
3. Twin Metals will invite the Fond du Lac Band of Lake Superior Chippewa, the Bois Forte Band of Chippewa, the Grand Portage Band of Lake Superior Chippewa, and all 6 Federally-recognized, Non-Minnesota Indian Bands that signed the 1854 Treaty (hereinafter referred to as the "Bands") to join Twin Metals during execution of work described in paragraph 2 as monitors. The purpose of the monitors is to provide the opportunity for 1) additional observations regarding potential cultural resources, 2) assist in the interpretation of archaeological and cultural finds, and 3) to observe and provide input to the field survey crew. The Bands will have 15 calendar days to respond to the invitation. The invitation may specify the following:
    - a. The types of activity to be performed and its location including a map.
    - b. The approximate number of personnel (both in-house and contracted) to be carrying out the activities, as well as the name(s) of any contractor companies performing the work.
    - c. The approximate beginning and ending dates of the proposed activities.

Monitors are not required to execute the work. If responses to invitations are not received within 15 calendar days or monitors are not made available by the Bands during the approximate survey dates, Twin Metals may proceed with the surveys.

Each occurrence of survey work conducted in calendar year 2021 and 2022 shall follow the same procedure as noted above in regards to inviting the Bands as monitors of the work. The Bands shall have 15 calendar days to respond to the invitation.

4. Twin Metals shall submit an Activity Plan to Joe Rokala, Northeast Regional Operations Supervisor, Division of Lands and Minerals, Department of Natural Resources, 1201 East Highway 2, Grand Rapids, Minnesota 55744, and the Bands in writing at least ten days, but no more than thirty days, in advance of any of the activities described in paragraph 2 above. The Activity Plan should specify the following:
  - a. They type of activity to be performed and its location.
  - b. The approximate number of personnel (both in-house, contracted, and monitors) to be carrying out the activities, as well as the name(s) of any contractor companies performing the work and monitors.
  - c. The approximate beginning and ending dates of the proposed activities.
  - d. The types and sizes of vehicles and equipment to be used.
  - e. The location and method of access to the Premises.
  - f. Tribal invitation letters and responses if any.
5. Twin Metals is not authorized to construct any roads, trails, or other improvements upon the Premises.
6. The State shall have the right, at any time and in such manner as it sees fit, to be present during and to inspect any of the above-described activities. Twin Metals shall also inform the State when it has completed its activities and has left the Premises.

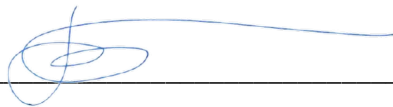
7. All activities conducted under this Authorization shall be performed at Twin Metals' sole cost and expense.
8. Upon completion of its field work at any site, Twin Metals will cause its supplies and equipment to be removed promptly and the existing lands, trails and roads restored to a condition satisfactory to the State.
9. In case any interest in the Premises covered by this Authorization is owned by anyone other than the State, Twin Metals is not authorized hereby to trespass upon such other interest. If it is necessary to make use of such other interest in connection with any activities hereunder, Twin Metals shall obtain all necessary legal rights or authorization before proceeding. Twin Metals shall be liable for all damages to any such other interest caused by its activities hereunder and the State shall not incur or be subject to any liability therefore.
10. This Authorization does not grant Twin Metals any prior or prescriptive rights to the Premises, nor is the State obligated to issue a surface lease or otherwise convey any interest to Twin Metals upon any of the Premises.
11. Twin Metals shall save and hold harmless the State from any and all liabilities arising out of its activities under this Authorization.
12. Twin Metals shall not cut, remove or damage any vegetation or merchantable timber without the consent of the State. Twin Metals shall pay the State for any damages caused by Twin Metals' activities under this Authorization that are sustained by the State to its land, water, timber, minerals, structures, or other improvements.
13. This Authorization is nontransferable by Twin Metals.
14. This Authorization is subject to the following existing State leases on the Premises:
  - a. State Non-Ferrous Metallic Minerals Leases No. MM-9858 and MM-9859, both dated September 6, 2001 held by Encampment Minerals, Inc.; and
  - b. State Industrial Minerals Lease No. MLIN200002 dated August 1, 2015, and as amended, held by Kasota Stone Fabricators, Inc.

Twin Metals shall not unduly interfere with the exploration or mining operations conducted pursuant to state leases listed above.

15. This Authorization to enter the Premises is non-exclusive. The State reserves the right to sell or exchange, or grant leases, permits or licenses to any portion of the Premises to any person or corporation under authority of Minnesota Statutes, Ch. 92, or other applicable laws, without let or hindrance from Twin Metals.
16. All activities undertaken pursuant to this Authorization are subject to and shall be conducted in accordance with all applicable federal, state, and local government statutes, orders, rules, and ordinances, and Twin Metals agrees to comply with all such statutes, orders, rules and ordinances.
17. This Authorization shall be in effect for two years from the Effective Date noted above.

17. This Authorization shall be in effect for two years from the Effective Date noted above.
18. Twin Metals shall submit to the State and the Bands all sample data gathered as a result of this Authorization, including, but not limited to, all maps, survey data, laboratory test data, analytical test data and information, and all records. The copies of all data and maps must be submitted in a digital format compatible with systems used by the Minnesota Department of Natural Resources. Data shall be submitted to the State and the Bands every six months while this Authorization is in effect, with final data submission to the State and the Bands no later than ten (10) days after expiration of this Authorization. Twin Metals understands that these data, once submitted, are public information, except such data determined to be not public to protect the location of a cultural resource.

TWIN METALS MINNESOTA LLC

By  \_\_\_\_\_  
Title: Chief Regulatory Officer  
Dated: August 17, 2020

STATE OF MINNESOTA  
DEPARTMENT OF NATURAL  
RESOURCES

By /s/ Joseph Henderson  
Joseph Henderson, Director  
Division of Lands and Minerals  
Dated: August 18, 2020