

currently anticipated that PROJECT AGENCY will require physical possession of portions of the PREMISES for tree removal by August 1, 2009 as depicted in the map(s) attached as Exhibit B, and of other areas thereafter. As to said other areas, PROJECT AGENCY will inform TRUST of dates by which it requires specified areas of the PREMISES at least thirty (30) days prior to the need for those areas. Once PROJECT AGENCY has physical possession of any area of the PREMISES it may retain such possession for such period of time as said area is needed for the PROJECT as determined by the PROJECT AGENCY, not to extend beyond the term of this Agreement. As to early releases of portions of the PREMISES no longer needed by the PROJECT AGENCY for the PROJECT, such releases shall be effectuated by written notice by PROJECT AGENCY of the area and date to be released and subject to written acceptance thereof by TRUST.

5. Permits.

PROJECT AGENCY and/or PROJECT AGENCY's agents or contractors are responsible for obtaining all applicable required permits or authorizations to conduct its activities on the PREMISES pursuant to this RIGHT OF ENTRY as set forth in this Agreement.

6. Compliance with Laws.

PROJECT AGENCY, its officers, employees, contractors, agents, and guests and the participants in the PROJECT activities shall comply with all applicable federal, state and local laws or regulations pertaining to any activities conducted on the PREMISES.

7. Alteration of Existing Facilities.

- a. Except as required for the construction of the PROJECT, no alteration of existing premises or facilities, or construction of permanent improvements shall be made without the written consent of TRUST.
- b. Notwithstanding the foregoing, alteration of existing premises or facilities or construction of improvements shall be subject to the following:
  - i. Any historic elements shall be treated in accordance with the Programmatic Agreement ("PA") and the built environment treatment plan ("BETP") pertaining to protection measures for historical buildings, structures and elements of the cultural landscape and the archaeology treatment plan ("ATP") pertaining to protection measures for archaeological resources and resources of importance to Indian tribes, because of cultural affinity, contained and prescribed therein, and to any plans or agreements developed pursuant thereto, and
  - ii. The following non-historic elements shall not be altered before the dates specified without the TRUST's written consent, which shall not be