

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF MINING, LAND AND WATER

DAM SAFETY AND CONSTRUCTION UNIT



Temporary Certificate of Approval to Operate a Dam

The **State of Alaska** under AS 46.17, and the regulations adopted under this statute, grants to:

Northern Star (Pogo) LLC

Approval to operate the following structure on **Liese Creek** in accordance with the terms and conditions contained in this certificate:

Pogo RTP Dam (NID ID#AK00304)

The location of this project is: T5S, R14E, S23, Fairbanks Meridian

The holder of this certificate shall:

- ☐ Operate, monitor, inspect and maintain the Pogo RTP Dam and appurtenant works in accordance with activities described in Attachment A and the document titled *Pogo RTP Operating and Maintenance Manual, Revision 4* dated October 2019.
- ☐ Except for claims or losses arising from negligence of the State, defend and indemnify the State against, and hold it harmless from any and all claims, demands, legal actions, loss, liability and expense for injury or death of persons, and damages to or loss of property, arising out of or connected with the exercise of the approval granted by this certificate.
- ☐ Comply with all applicable laws, regulations, and conditions.
- ☐ Allow representatives of the Department to inspect the work and records covered by this certificate at all times determined necessary by the Commissioner.
- ☐ Follow special conditions that apply to the operation of this dam presented in Attachment A, attached hereto and made a part hereof.

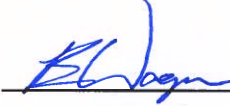
TEMPORARY CERTIFICATE OF APPROVAL TO OPERATE A DAM
Pogo RTP Dam

This *Certificate of Approval to Operate a Dam* supersedes any other *Certificate of Approval to Operate a Dam* for the Pogo R.T.P. Dam, and shall become invalid 60 days after the next Periodic Safety Inspection due date specified in Attachment A. A valid certificate may be issued with revised special conditions based on information contained in a current Periodic Safety Inspection Report approved by the Department and dam safety regulatory standards current at the time of the inspection.

This *Certificate of Approval to Operate a Dam* is granted subject to the pertinent statutory provisions in AS 46.17 and administrative regulations in Article 3 of 11 AAC 93.

APPROVED BY: Benjamin Wagner, P.E.

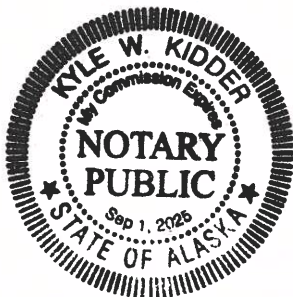
TITLE: State Dam Safety Engineer
Division of Mining, Land and Water

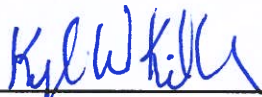
SIGNATURE: 

DATE: October 7, 2022

State of Alaska)
) SS.
Third Judicial District)

This is to certify that on October 7, 2022, before me appeared Benjamin Wagner, known by me to be the Authorized Representative of the Division of Mining, Land and Water, Alaska Department of Natural Resources, and acknowledged to me that this Certificate of Approval was voluntarily executed on behalf of the State of Alaska.




Notary Public in and for the State of Alaska

My commission expires: Sept 1, 2025

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Attachment A – Special Conditions

1. The Pogo RTP Dam (AK00304) is approved to operate as a Class I (high) hazard potential dam as defined in 11 AAC 93.157 at a nominal crest elevation of 2092 feet.
2. This temporary certificate authorizes the operation, monitoring, inspecting and maintenance of the Pogo RTP Dam and those activities necessary to maintain the safety and integrity of the system until a final certificate is issued. A final certificate may be issued after the submittals listed in Special Condition 3 and Special Condition 5 are received and reviewed by DNR.
3. Within 90 days of the date of this certificate submit the following documents:
 - A Periodic Safety Inspection (PSI) report on the dam and appurtenant works as required by 11 AAC 93.159. The PSI must be performed by an engineer qualified in accordance with 11 AAC 93.193(b). Approval of the engineer and the scope of the PSI must be obtained from the Department in advance of the PSI. Submit the proposed scope of the PSI and qualified engineer 60 days prior to the scheduled date of the PSI. Submit a draft PSI report to the Department for review within 30 days of the date of this certificate.
4. Operate, monitor, inspect and maintain the Pogo RTP Dam in accordance with best practices and the procedures described in the "Pogo RTP Operating and Maintenance Manual, Revision 4" dated October 2019 (O&M Manual). Inspect the dam and appurtenant works after all significant seismic or precipitation events. Maintain records of all inspections, monitoring data, and routine maintenance.
5. Document any routine operations and maintenance procedures that deviate from or are not included in the current version of the O&M Manual. Review the O&M Manual concurrent with each subsequent Periodic Safety Inspection and revise as necessary.
6. Follow the recommendations of the inspection engineer contained in the document, "Final Fifth Period Safety Inspection Report; Recycle Tailings Pond Dam – Pogo Mine, Alaska" by AECOM dated November 11, 2019.
7. An Emergency Action Plan (EAP) shall be maintained for the Pogo RTP Dam in accordance with the requirements of 11 AAC 93.164(b)(4). The EAP shall be reviewed, exercised, and revised in accordance with the exercise format and schedule indicated in the document titled "Emergency Action Plan for the Pogo RTP Dam Revision 7.2" dated November 8, 2021. Provide written notice to the Department within 7 days after all EAP exercises.
8. Notify the Department immediately if the EAP is activated, or within 24 hours for any significant problems that may develop with the dam or appurtenant works which could affect the safety of the dam. An incident report shall be completed and submitted to the Department in accordance with 11 AAC 93.177 within 14 days after the conclusion of the incident.
9. The reclamation and closure plan required under 11 AAC 97.310 must include sufficient consideration for the closure of the Pogo RTP Dam and the financial assurance required by 11 AAC 93.171(f)(2)(C) and 93.172(a)(6)(C), subject to approval by the Department.

TEMPORARY CERTIFICATE OF APPROVAL TO OPERATE A DAM
Pogo RTP Dam

10. An application for a certificate of approval must be submitted to the Department for any modifications or major repairs that may affect the safety of the dam, or for removal or abandonment of the dam, or for transfer of ownership during mine operations.
11. This *Temporary Certificate of Approval to Operate a Dam* expires on January 5, 2023.

End of Attachment A