

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF MINING, LAND AND WATER
DAM SAFETY AND CONSTRUCTION UNIT



Certificate of Approval to Operate a Dam

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

Teck-Pogo, Inc.

The 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 and maintain the Pogo RTP Dam and appurtenance works in accordance with accepted practice and the operating information referenced in Attachment A, conditionally approved by the Department concurrent with this certificate.
- ☐ Except for claims or losses arising from the 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 as found in Attachment A, attached hereto and made a part hereof.

CERTIFICATE OF APPROVAL TO OPERATE A DAM
Pogo RTP Dam

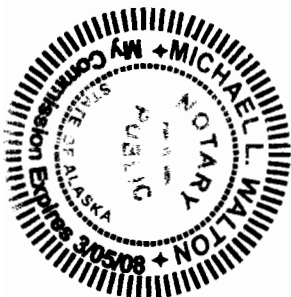
This *Certificate of Approval to Operate a Dam* supersedes any previous certificates for this dam that may have been issued by the Department, and shall become invalid 60 days after the due date of the Periodic Safety Inspection specified under Attachment A. A valid certificate shall be issued with revised special conditions based on information contained in the subsequent Periodic Safety Inspection Report approved by the Department and current dam safety regulatory standards.

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

APPROVED BY: Charles F. Cobb, P. E.
TITLE: State Dam Safety Engineer
Division of Mining, Land and Water
SIGNATURE: *Charles F. Cobb*
DATE: *May 25, 2006*

State of Alaska)
) SS.
Third Judicial District)

This is to certify that on *May 25*, 2006, before me appeared Charles F. Cobb, known by me to be the Director or 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.



Michael Walton
Notary Public in and for the State of Alaska
My Commission expires: *March 5, 2008*

CERTIFICATE OF APPROVAL TO OPERATE A DAM
Pogo RTP Dam

Attachment A – Special Conditions

1. The Pogo RTP Dam (AK00304) is approved to operate as a Class II (significant) hazard potential dam as defined in 11 AAC 93.157 at a crest elevation of approximately 2092 feet.
2. Inspect and monitor the Pogo RTP Dam in accordance with the procedures and schedule described in Chapter 6 of the document titled “Pogo Gold Project, RTP Dam 2004-2005 As-built Report” dated April, 2006 (O&M procedures). Inspect the dam after all significant seismic or precipitation events. Maintain records of the all inspections, monitoring data, and routine maintenance.
3. Document any routine operations and maintenance procedures that deviate from or are not included in the O&M procedures. After one year from the date of this certificate, review the actual and written O&M procedures and develop an O&M Manual in accordance with the requirements of 11 AAC 93.197. The revised O&M manual must be submitted concurrent with the first Periodic Safety Inspection report required under Special Condition 5.
4. Within one year of the date of this certificate, conduct an orientation exercise with mine operations staff of the Emergency Action Plan (EAP) contained in Section 6.4 of the document referenced in Special Condition 2. Revise as necessary to reflect the most probable emergency situations and the respective contingency procedures. The revised EAP must be submitted concurrent with the first Periodic Safety Inspection report required under Special Condition 5. The EAP may be included in the O&M Manual, as provided under 11 AAC 93.164 for a Class II dam, or in a mine area emergency contingency plan, whichever is most effective for the operator.
5. Perform a Periodic Safety Inspection as required by 11 AAC 93.159 on the Pogo RTP Dam and appurtenance works by June 30, 2007. This inspection must be performed by a qualified engineer as described in 11 AAC 93.193. Prior approval of the engineer and the scope of the inspection must be agreed upon with the Department. Submit a draft Periodic Safety Inspection report to the Department within 30 days after the visual inspection.
6. Any significant problems that may develop with the dam or appurtenant works which could affect the safety of the dam shall be reported to the Dam Safety and Construction Unit of the Department within 24 hours.
7. For any modifications, major repairs, removal or abandonment of the dam, a separate certificate of approval must be obtained from the Department.

End of Attachment A

D:/F:daminfo/projects/pogo/2006/COAOp FY2006-10-AK00304.doc