

# 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:

#### **Sumitomo Metal Mining Pogo LLC**

The temporary 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:

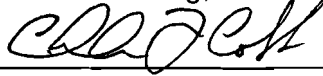
- ☐ Operate and maintain the Pogo RTP Dam and appurtenance works in accordance with accepted practice and the operating information referenced in Attachment A, conditionally approved by the Department concurrent with this certificate.
- ☐ Except for claims or losses arising from the negligence of the 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**

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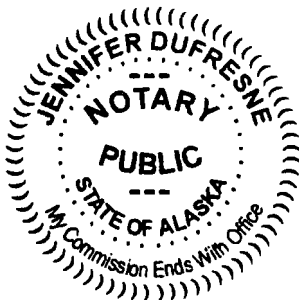
This *Certificate of Approval to Operate a Dam* supersedes any previously issued *Certificate of Approval to Operate a Dam* for the Pogo RTP Dam and shall become invalid 60 days after the Periodic Safety Inspection due date specified under Attachment A. A valid certificate shall be issued with revised 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 11 AAC 93.

APPROVED BY: Charles F. Cobb, P. E.  
TITLE: State Dam Safety Engineer  
Division of Mining, Land and Water  
SIGNATURE:   
DATE: March 8, 2011

State of Alaska            )  
                                      ) SS.  
Third Judicial District )

This is to certify that on March 8<sup>th</sup>, 2011, 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.



Jennifer DuFreene  
Notary Public in and for the State of Alaska  
My Commission expires: with office

**CERTIFICATE OF APPROVAL TO OPERATE A DAM**  
**Pogo RTP Dam**

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**Attachment A – Special Conditions**

1. The Pogo RTP Dam (AK00304) must be operated as a Class I (high) hazard potential dam as defined in 11 AAC 93.157 at a crest elevation of approximately 2092 feet. The hazard potential classification may be revised in accordance with 11 AAC 93.157.
2. Inspect and monitor the Pogo RTP Dam in accordance with the Pogo RTP Dam Operations and Maintenance Manual (O&M manual) dated August, 2010. Inspect the dam after all significant seismic or precipitation events. Maintain records of all inspections, monitoring data, and routine maintenance.
3. Document any routine operations and maintenance procedures that deviate from or are not included in the current O&M manual and review the actual versus the written O&M procedures. By May 31, 2011, submit to the Department a revised O&M manual that accurately reflects the O&M requirements of the dam in accordance with the requirements of 11 AAC 93.197. Upon approval from the Department, the revised O&M manual will supersede the O&M manual referenced in Special Condition #2 for the remainder of the approval period.
4. Implement the recommendations of the inspection engineer contained in the "Pogo RTP Dam, Second Periodic Safety Inspection" report dated January 17, 2011.
5. A formal Emergency Action Plan (EAP) shall be maintained for the Pogo RTP Dam in accordance with the requirements of 11 AAC 93.164 based on the hazard potential classification of the dam. The EAP shall be reviewed, exercised, and revised in accordance with the following schedule, at a minimum:

<u>DATE</u>	<u>ACTION</u>
By June 30, 2011	Submit revised EAP to Department
By August 31, 2011 and annually thereafter	Orientation exercise
By October 31, 2011 and triennially thereafter	Drill or table top exercise
By December 31, 2011 and triennially thereafter	Revise as needed and redistribute
Annually	Internal review (distribute updated pages)

Provide written notice to the Department of all EAP exercises, or if the EAP is implemented due to an emergency situation. A revised EAP exercise schedule shall be included in subsequent *Certificates of Approval to Operate a Dam*.

6. Perform a Periodic Safety Inspection (PSI) as required by 11 AAC 93.159 on the Pogo RTP Dam and appurtenance works by July 8, 2013. The frequency for the PSI shall be in accordance with 11 AAC 93.159(a). The PSI must be performed by an engineer qualified in accordance with 11 AAC 93.193(b). Prior approval of the engineer and the scope of the inspection must be agreed upon in advance with the Department. Submit a draft PSI report to the Department within 30 days after the visual inspection of the dam.

**CERTIFICATE OF APPROVAL TO OPERATE A DAM**  
**Pogo RTP Dam**

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7. 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.
8. For any modifications, major repairs, removal or abandonment of the dam, or for transfer of ownership, an application for a certificate of approval must be submitted to the Department.

**End of Attachment A**

D/F:I:/dam projects/pogo/certificates/COAOp FY2011-14-AK00304