

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:

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

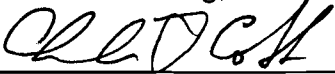
The holder of this certificate shall:

- ☐ 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.

Temporary CERTIFICATE OF APPROVAL TO OPERATE A DAM
Pogo RTP Dam

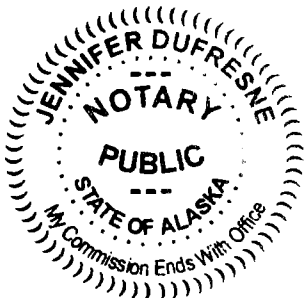
This temporary *Certificate of Approval to Operate a Dam* supersedes any previous certificates for this dam that may have been issued by the Department, and shall become invalid as specified under Attachment A. A valid certificate will be issued with revised special conditions based on the respective information submitted as indicated under Attachment A and when approved by the Department, in accordance with current dam safety regulatory standards.

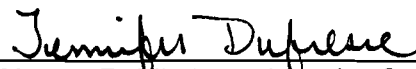
This *Certificate of Approval to Operate a Dam* is granted subject to the pertinent statutory provisions in AS 46.17 and administrative regulations in 11 AAC 93.

APPROVED BY: Charles F. Cobb, P. E.
TITLE: State Dam Safety Engineer
Division of Mining, Land and Water
SIGNATURE: 
DATE: November 18, 2010

State of Alaska)
) SS.
Third Judicial District)

This is to certify that on November 18, 2010, 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.




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

Temporary CERTIFICATE OF APPROVAL TO OPERATE A DAM

Pogo RTP Dam

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 O&M manual and review the actual versus the written O&M procedures. By March 1, 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.
4. An interim emergency action plan that provides for the notification and evacuation of people from the underground mine in the event of a potential or actual failure situation at the dam shall be developed and submitted to the Department by December 31, 2010.
5. A formal Emergency Action Plan (EAP) shall be developed 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 developed, reviewed, exercised, and revised in accordance with the following schedule:

<u>DATE</u>	<u>ACTION</u>
By March 31, 2011	Submit EAP to Department
By April 30, 2011	Orientation exercise
By May 31, 2011	Drill or table top exercise
By June 30, 2011	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. By December 31, 2010, submit a revised version of the draft Periodic Safety Inspection (PSI) report dated July 22, 2010 that addresses the review comments provided by the Department. For any issues that may not be appropriate to address within the context of the PSI, provide a separate plan and schedule to address any outstanding concerns.
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, a separate certificate of approval must be obtained from the Department.
9. This temporary *Certificate of Approval to Operate a Dam* expires on April 30, 2011.

End of Attachment A

D/F:daminfo/projects/pogo/certificates/COAOp FY2011-6-AK00304