

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 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 appurtenant works in accordance with accepted practice and the the document titled, "Pogo RTP Operating and Maintenance Manual, Revision 3" dated December 2016.
- ☐ 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 presented 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 other *Certificate of Approval to Operate a Dam* for the Pogo RTP Dam and shall become invalid 90 days after the Periodic Safety Inspection due date specified under Attachment A. Subsequently, a new certificate shall be issued with revised special conditions based on information contained in the 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 the administrative regulations in Article 3 of 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: Dec. 22, 2016

State of Alaska)
) SS.
Third Judicial District)

This is to certify that on December 22nd, 2016, before me appeared Charles F. Cobb, 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.

Christine Ballard

Notary Public in and for the State of Alaska

My commission expires: With Office



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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 I (high) hazard potential dam as defined in 11 AAC 93.157 at a nominal crest elevation of 2092 feet.
2. 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 3” dated December 2016 2013 (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.
3. 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.
4. Follow the recommendations of the inspection engineer contained in the document, “Periodic Safety Inspection Report No. 4 – Recycle Tailings Pond Dam” dated December 14, 2016.
5. Perform a new Periodic Safety Inspection (PSI) on the dam and appurtenant works as required by 11 AAC 93.159 by June 14, 2019. 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). Approval of the engineer and the scope of the inspection must be obtained from the Department in advance of the inspection. Submit a draft PSI report to the Department for review within 30 days of the visual inspection of the dam.
6. 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 2” dated December 2013. Provide written notice to the Department within 7 days after all EAP exercises.
7. 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.
8. 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.
9. 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.
10. This *Certificate of Approval to Operate a Dam* expires on September 15, 2019.

End of Attachment A