

Donlin Gold Project draft Special Conditions

The permittee agrees to provide all contractors associated with construction of the authorized activity a copy of the permit and drawings. A copy of the permit will be available at the construction site at all times.

Rationale: This special condition is required to ensure compliance with the permit, and to minimize impacts to adjacent wetlands and other waters of the U.S. as a result of the permitted project (33 CFR 320.4(b) and 40 CFR 230.41).

mitigation. The certification will include: 1). A copy of this permit; 2). A statement that authorized work was done in accordance with the Corps authorization, including any general or specific conditions; 3). A statement that any required mitigation was completed in accordance with the permit conditions; 4). The signature of the permittee certifying the completion of the work and mitigation.

Rationale: This special condition is required to ensure compliance with the permit and special conditions and required mitigation is being accomplished.

PROJECT DESCRIPTION

produce gold from the Donlin deposit ore reserves using mining processes, infrastructure, logistics, and an energy supply(s) practicable for application in remote western Alaska in accordance with the permitted plans. The permittee recognizes that its commitment to construct and operate the mine pursuant to the Project details described in the Department of the Army permit application.

prevent the displacement of fill material outside the authorized work areas into waters of the United States. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas shall be stabilized using sod, degradable mats, barriers, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work is completed and the work areas are stabilized. **NOTE: Do not use this condition if the 401 certification requirements differ.**

Rationale: This condition is required to prevent adverse impacts to wetlands and other waters of the U.S. outside of the permitted project area (33 CFR 320.4(b) and (d), 40 CFR 230.21(b), and 40 CFR 230.73(c)).

shown on the project plans.

Rationale: This condition is required to prevent the placement of fill, or anything that may have the effect of fill, outside the permitted area; thereby, minimizing the impacts to wetlands and preventing sedimentation outside of the permitted area [40 CFR PART 230.70 and 40 CFR PART 230.77(a)].

ESA

Fish and Wildlife Service letter of concurrence (FWS 2017-I-0343, dated November 2, 2017) and National Marine Fisheries Service letter of concurrence (POA-1995-120, NMFS #AKR-2018-9745, dated March 29, 2018), including those ascribed to the Corps therein. If you are unable to implement any of these measures, you must immediately notify the Corps, the U.S. Fish and Wildlife Office, and the National Marine Fisheries Service so we may consult as appropriate, prior to initiating the work, in accordance with Federal law.

Rationale: This condition is required to reduce the likelihood of adverse impacts to species protected under the Endangered Species Act and to comply with the Act (Section 7 of the ESA and 40 CFR 230.30).

SECTION 106

Engineers, U.S. Bureau of Land Management, Advisory Council on Historic Preservation, Alaska State Historic Preservation Officer, Alaska Department of Natural Resources, and Donlin Gold, LLC Regarding the Donlin Gold Project", dated June ##, 2018, in its entirety. The Corps has been designated the lead federal agency responsible for implementing and enforcing the PA as signed. If you fail to comply with the implementation and associated enforcement of the PA the Corps may determine that you are out of compliance with the conditions of the Department of the Army permit and suspend the permit. Suspension may result in modification or revocation of the authorized work.

Rationale: This condition is required to avoid impacts to historic properties/cultural resources and comply with Section 106 of the National Historic Preservation Act. (Section 106 of NHPA, 33 CFR 320.4(e), and 33 CFR 325 Appendix C).

Should any other agency require and/or approve changes to the work authorized or obligated by this permit, the Permittee is advised a modification to this permit may be required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for modification of this permit.

Rationale: This special condition is required to ensure compliance with the permit, and to minimize impacts to adjacent wetlands and other waters of the U.S. as a result of the permitted project (33 CFR 320.4(b) and 40 CFR 230.41).

The permittee must take the actions required to record the (Permit/Deed Restriction/Conservation Easement) with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of title to or interest in real property. You shall provide a copy of the recorded document to the Corps clearly showing a stamp from the appropriate official indicating the book, page and date prior to initiation of construction

Rationale: To ensure long term protection of compensatory mitigation.(33 CFR 320.4(r)(1), 33 CFR 332.1, 33 CFR 332.3(a)(1) and (b)(3), and 40 CFR

Prior to initiation of construction activities within waters of the U.S. the permittee shall implement the "Approved Mitigation Plan dated July ##, 2018, and attached as Appendix #. Prior to commencing the work authorized by this permit, the permittee shall purchase

SECTION 10 ONLY

Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the U.S.

Rationale: Protection of navigation and the general public's right of navigation on the water surface is a primary concern of the federal government. This condition is required by regulation (33 CFR 320.4(o)(3)).

You must install and maintain, at your expense, any safety lights and signals prescribed by the U.S. Coast Guard (USCG), through regulations or otherwise, on your authorized facilities. The USCG may be reached at the following address and telephone number: Commander (oan), 17th Coast

Rationale: The facility must be lighted to prevent navigation hazards and this condition is required by regulation (33 CFR 320.4(o)(3)).

herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the U.S. No claim shall be made against the U.S. on account of any such removal or alteration.