

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
CERTIFICATE OF WAIVER

ISSUED TO

Kennecott Utah Copper LLC
Responsible Person: Mark Harris
Waiver Number: 107W-2024-04255

ADDRESS

4700 Daybreak Pkwy
South Jordan, UT 84009

This certificate is issued for the operations specifically described hereinafter. No person shall conduct any operation pursuant to the authority of this certificate, except in accordance with the standard and special provisions contained in this certificate, and such other requirements of the Federal Aviation Regulations not specifically waived by this certificate.

OPERATIONS AUTHORIZED

Small Unmanned Aircraft System (sUAS) operations beyond the visual line of sight of the remote pilot in command (PIC); Small Unmanned Aircraft System (sUAS) operations in which a participating Visual Observer (VO) is not able to see the unmanned aircraft; Small Unmanned Aircraft System (sUAS) operations over human beings; Small Unmanned Aircraft System (sUAS) operations higher than 400 feet above ground level (AGL), when not within a 400 foot radius of a structure; Small Unmanned Aircraft System (sUAS) operations over a moving vehicle.

LIST OF WAIVED REGULATIONS BY SECTION AND TITLE

14 CFR §§ 107.31—Visual line of sight aircraft operation, 107.33(b) & (c)(2)—Visual observer, 107.39—Operation over human beings, 107.145—Operations over moving vehicles, and 107.51(b)—Operating limitations for small unmanned aircraft (sUA) - Altitude

STANDARD PROVISIONS

1. A copy of the application, made for this certificate, shall be attached to and become a part hereof.
2. This certificate shall be presented for inspection upon the request of any authorized representative of the Administrator of the Federal Aviation Administration or of any State or municipal official charged with the duty of enforcing local laws or regulations.
3. The holder of this certificate shall be responsible for the strict observance of the terms and provisions contained herein.
4. This certificate is nontransferable.

NOTE—This certificate constitutes a waiver of those Federal rules or regulations specifically referred to above.
It does not constitute a waiver of any State law or local ordinance.

SPECIAL PROVISIONS

Special Provisions 1 to 28, inclusive, are set forth on the attached pages.

This Certificate of Waiver is effective from April 12, 2025, to April 11, 2027, and is subject to cancellation at any time upon notice by the Administrator or an authorized representative.

BY DIRECTION OF THE ADMINISTRATOR

Adam Vetter
Tactical Operations Manager
FAA Western Service Center

**SPECIAL PROVISIONS ISSUED TO
Kennecott Utah Copper LLC**

General.

This Certificate of Waiver is an amendment which supersedes and replaces Waiver 107W-2023-02017 issued to Kennecott Utah Copper LLC for operations under 14 CFR 107. Waiver 107W-2023-02017 is no longer valid.

The FAA's Flight Standards Service has reviewed your application to ensure compliance with the requirements of 14 CFR § 107.200 and § 107.205. Pursuant to these authorities, the Administrator finds that the proposed sUAS operation can be conducted safely under the provisions of this Certificate of Waiver (Waiver) as listed below because you have established adequate mitigations for risks involved with operating your sUAS in the manner you described. Adherence to the provisions of this Waiver establishes the required level of safety within the national airspace system.

The Administrator may cancel this Waiver at any time. As a general rule, this Waiver may be canceled when it is no longer required, there is an abuse of its provisions, or when unforeseen safety factors develop. Failure to comply with any provision listed below is a violation of the terms of this Waiver and will serve as justification for cancellation.

List of Regulations Waived by Section and Title. The following regulations are waived:

14 CFR § 107.31, Visual line of sight aircraft operation, is waived to allow operation of the Small Unmanned Aircraft (sUA) beyond the direct visual line of sight of the remote pilot in command (PIC);

14 CFR § 107.33(b) & (c)(2), Visual Observer, is waived to the extent necessary to allow operation of the Small Unmanned Aircraft (sUA) when any Visual Observer (VO) who is participating in the operation may not be able see the unmanned aircraft in the manner specified in § 107.31;

14 CFR § 107.39, Operations over human beings, is waived to allow sUA operations over human beings who are not direct participants, necessary for the safe operation of the small unmanned aircraft;

14 CFR § 107.51(b), Operating limitations for small unmanned aircraft - Altitude, is waived to allow sUAS operations higher than 400 feet AGL, not to exceed 5,000 feet AGL.

14 CFR § 107.145, Operations over moving vehicles, is waived to allow sUA operations over a moving vehicle.

No part of this Waiver will function as an airspace authorization under 14 CFR § 107.41. The FAA's Air Traffic Organization responds directly to such requests for authorizations. The FAA LAANC system cannot be used for waived operations.

Common Special Provisions: The Responsible Person is directly responsible for safety of operations conducted under this Waiver and will ensure the Remote Pilot in Command (PIC), manipulator of the controls, and Visual Observers (VO)¹ comply with all provisions of this Waiver.

1. The Responsible Person listed on the Waiver is responsible to the FAA for the safe conduct of the operations. Prior to conducting operations that are the subject of this Waiver, the Responsible Person:
 - a. Must ensure the PIC, manipulators of the controls, and VO are informed of the terms and provisions of this Waiver and the strict observance of the terms and provisions herein;
 - b. Must ensure the PIC, manipulators of the controls, and VO are informed of, and familiar with, Part 107 regulations; and
 - c. Evidence of the above (a and b) must be documented and must be presented for inspection upon request from the Administrator or an authorized representative;
2. This Waiver must not be combined with any other waiver(s), authorization(s), or exemption(s) without specific authorization from the FAA;
3. The FAA has the authority to cancel or delay any or all flight operations if the safety of persons or property on the ground or in the air are in jeopardy or there is a violation of the terms of this Waiver;
4. A copy of this Waiver must be accessible and available to the PIC at the ground control station during sUAS operations that are the subject of this Waiver;
5. The Responsible Person listed on this Waiver must maintain a current list of pilots by name and remote pilot certificate number used in operations under this Waiver. This list must be presented for inspection upon request from the Administrator or an authorized representative;
6. The Responsible Person listed on this Waiver must maintain a current list of sUA by registration number(s) used in operations under this Waiver. This list must be presented for inspection upon request from the Administrator or an authorized representative;
7. For the purposes of this Waiver, direct participants are the PICs, persons manipulating the controls, VOs, and any persons whose involvement is necessary for safety of the sUAS operation. All other persons are considered non-participants;
8. If a discrepancy exists between the provisions in this Waiver and the waiver application, the Waiver takes precedence and must be followed;

Waiver Specific Special Provisions: The PIC and VO may conduct sUAS operations over people and moving vehicles without the ability to see the unmanned aircraft throughout the entire flight, at altitudes of up to 400 feet above the rim of the specified mine not to exceed 5,000 feet AGL, provided:

¹ Title 14 CFR § 107.3 defines the term “visual observer.” Any VO participating in operations conducted under this Waiver must meet the requirements listed in § 107.33 throughout the duration of flight operations.

9. Operations may not be conducted at night or during civil twilight, as defined in 14 CFR § 1.1 and § 107.29(c), respectively;
10. Remote ID: The sUA must be a standard remote identification unmanned aircraft listed on the FAA-accepted declaration of compliance list (found here: <https://uasdoc.faa.gov/>), unless otherwise authorized by the Administrator in writing;
11. Visual Observers: All operations conducted under this Waiver must use one or more VO, as described in the waiver application:
 - a. All VOs must receive documented training for their duties and responsibilities to include;
 - 1) Scanning of the Operational Volume for Air and Ground based intruders;
 - 2) Communications procedures and phraseology;
 - 3) Overall operations conducted under this Waiver;
 - b. Sufficient VOs, defined as the minimum number of VOs required to continuously observe at least a 2 statute mile radius of airspace surrounding the sUA in flight, are;
 - 1) Used to identify any non-participating aircraft prior to their entry into the planned operational area;
 - 2) Physically located such that the PIC receives sufficient notice to ensure the sUA remains well clear of all other aircraft;
 - 3) Physically located to notify the PIC of any moving vehicle or human presence that may pose a hazard to the operation;
 - c. Communication between the PIC and VO must occur to facilitate, when necessary, for the PIC taking action to maneuver the sUA with sufficient time to:
 - 1) Give way to all other aircraft in accordance with § 107.37;
 - 2) React to any unforeseen operational or mechanical failure without creating a hazard to other people, other aircraft, or property in the event of a loss of control of the sUA; and
 - 3) Maintain compliance with this Waiver and un-waived provisions of Part 107;
 - d. If communication between the VO and the PIC will occur by electronic device:
 - 1) The device must be continuous full-duplex;
 - 2) The PIC must be able to use the device hands-free; and
 - 3) There must be a reliable back-up communication method;
12. The PIC must be located within the Operational Area;
13. Operations Over Non-Participants:
 - a. Operations over open-air assemblies of persons is prohibited;
 - b. Operations over non-participants or moving vehicles must be transitory in nature. Sustained operations over non-participants or moving vehicles is prohibited. For the purposes of this Waiver, sustain is defined as loitering, hovering, and continuous or sequential overflight of non-participating persons or moving vehicles;
 - c. The flight paths and routes must be designed to avoid overflight of human beings and traffic areas; and
 - d. All persons located inside the operational area are notified of UAS operations;

14. The PIC must ensure:

- a. Prior to conducting operations under this Waiver, the RPIC must perform a documented site survey to:
 - 1) Identify flight operational area obstacles and boundaries so as to avoid collision with, or damage to property;
 - 2) Validate C2 signal strength is sufficient for control through the entire route;
 - 3) Validate suitable launch/recovery site(s); and
 - 4) Complete and document a Flight Risk Assessment;
- b. Routes are preplanned (using waypoints) prior to flight and aircraft are programmed to automatically follow the route. Manual flights are allowed as necessary;
- c. Geofencing is used to confine the Operational Volume (defined as the property lines of the assets or perimeter boundaries of the controlled access area or right of way specified in the waiver application + maximum allowed altitude);
- d. Return to Home/Return to Land feature must not allow the sUA to deviate from the defined operational volume;
- e. Launch or recovery areas are pre-designated and monitored to keep any human being who is not directly participating in the operation out of the areas prior to, during, and immediately following flight operations;
- f. Individuals directly participating in the operation of the sUAS must be easily identifiable visually (e.g., apparel, safety vests); and
- g. Non-participant company personnel inside the operational area are notified of sUAS operations;

15. The Responsible Person must ensure:

- a. A copy of the waiver application and Waiver is available to the PIC and all other direct participants prior to and during sUAS operations that are the subject of this Waiver;
- b. A copy of the current operations manual required by this Waiver is available to the PIC and all other direct participants prior to, and during sUAS operations that are the subject of this Waiver;
- c. All operations conducted under this Waiver follow the procedures outlined in the current operations manual. If a discrepancy exists between the provisions in this Waiver and the procedures outlined in the operations manual, the provisions of this Waiver take precedence and must be followed;
- d. A documented notification from the operator(s) of the sUAS to any airport, heliport, known agricultural aerial application operation or aerial military installation within a 3 mile radius of the operating area; and
- e. Each PIC who will conduct operations under this Waiver is trained in a manner that addresses the items listed in § 107.49(a) and in a manner that is consistent with how the sUAS will be operated under this Waiver. All training and demonstration for all PICs and VOs must be documented and made available upon request by the Administrator or an authorized representative. Training operations may only be conducted under the standard requirements of Part 107 (without waiver). The training must include:
 - 1) sUA limitations;
 - 2) sUA programming;

- 3) sUA operational procedures;
- 4) Abnormal procedures;
- 5) Air traffic avoidance procedures;
- 6) Crew Resource Management;
- 7) sUA flight training; and
- 8) Demonstration of sUA ground and flight skills;

16. Operations Manual: The Responsible Person must update or revise the operations manual (aka CONOPs) submitted with the waiver application for changes in the operation. The Responsible Person must track such revisions and present revised documents to the Administrator, or an authorized representative upon request. The Responsible Person must also present revised documents when applying for extension of or amendment to this Waiver. If any revision to the manual would be contrary to the information provided in the waiver application or obviate a condition or limitation of this Waiver, then the Responsible Person must apply for an amendment to this Waiver;
17. Operations subject to this Waiver must cease as soon as possible in a manner that does not jeopardize the safety of human beings, property or other aircraft, if, at any time:
 - a. Safety of human beings or property on the ground or in the air is in jeopardy;
 - b. Any failure to comply with the provisions of this Waiver exists;
 - c. Full-duplex communications cannot be maintained between the PIC and any VO participating in the operation;
 - d. A non- participating aircraft enters the designated flight operating area;
 - e. GPS signal is lost; or
 - f. GPS location information is degraded;
18. Lost Link Procedures: If the PIC loses command or control link with the sUA, the sUA must follow a predetermined route to immediately reestablish command and control link. If command and control link is not immediately reestablished and the PIC no longer has the ability to direct the sUAS to ensure compliance with applicable provisions of Part 107, the sUA must follow the loss of command and control procedure as described in the waiver application;
19. Safety Briefing: Prior to operations under this Waiver, all Direct Participants must attend a safety briefing that addresses, at minimum, the following items as applicable:
 - a. Designated positions, physical locations, responsibilities, and Crew Resource Management;
 - b. Planned flight operating area;
 - c. Designated launch and recovery areas;
 - d. Verification of geo-fence boundaries;
 - e. Verification of return home and land flight profile, and course;
 - f. Procedures for avoidance of other aircraft and obstacles;
 - g. Procedures for operating under this Waiver;

- h. Land vehicle speed;
 - i. Intended flight path;
 - j. Abnormal procedures; and
 - k. Emergency procedures;
20. Operations conducted under this Waiver may only occur with the make and model sUAS described in the waiver application. Proposed operations of any other manufacturer, make or model of sUAS will require a new waiver application or a request to amend this Waiver;
21. Anti-Collision Lighting: The sUA must be equipped with anti-collision lighting to increase conspicuity of the sUA in order to be seen by crewmembers in other aircraft from a distance of no less than 1 statute mile during the day for daytime operations;
22. ADS-B out (1090/978 MHz) may not be transmitted from the sUAS when operating pursuant to this Waiver. An ADS-B in Receiver must be operational and monitored during all operations pursuant to this Waiver;
23. Ground Control Station (GCS), Control and Communications (C2) System:
- a. Telemetry: The sUAS ground control station must display in real-time the following information: sUA altitude, position, direction of flight, ground speed, C2 signal strength, battery condition, and sUA distance from the control station as described in the waiver application;
 - b. Alerting: The PIC must ensure the GCS is configured to audibly and/or visually alert the PIC of degraded system performance, geofence loss of containment, loss of Control Link with the sUA, and intrusion alerts as described in the waiver application;
 - c. Emergency Profiles: The PIC must ensure the GCS is configured for automated emergency actions (e.g. RTL/RTH, altitude descend, position hold, etc.) as described in the waiver application;
 - d. Sensors: The PIC must ensure any installed collision/obstacle avoidance sensors are operational;
 - e. This information must be available at all times to the PIC;
24. Any modification to the sUAS design is prohibited; repair and replacement of damaged components is allowed with a replacement part that is exactly the same as the original; no substitutions are allowed unless the Responsible Person submits a new waiver request describing the substitution or modification;
25. UAS Maintenance: All sUAS operations conducted in accordance with this Waiver must comply with all manufacturer recommendations and limitations for the sUAS:
- a. The Responsible Person must maintain each sUAS and its components in accordance with manufacturer's instructions and recommendations. sUAS maintenance includes scheduled and unscheduled overhaul, repair, inspection, modification, replacement, and system software upgrades of the sUAS and its components necessary for flight;
 - b. A log of all maintenance performed must be kept for each aircraft operated under this Waiver. This log must be available to the PIC for review prior to conducting operations that are the

subject of this Waiver. Each sUAS maintenance log must be presented to the Administrator when requested. The log must contain the following information for each maintenance activity:

- 1) A description (or reference data acceptable to the Administrator) of work performed;
- 2) The date of completion of the work performed;
- 3) The name of the person who performed the work; and
- 4) The signature of the person who performed the work;

- c. Any sUAS that has undergone maintenance must undergo a functional test flight prior to conducting operations under this Waiver. The functional test flight may only be conducted under the standard requirements of Part 107 (without waiver). A log entry must be made for each functional test flight. The log entry must contain at minimum the:

- 1) Calendar date;
- 2) sUA registration number;
- 3) PIC who performed the functional test flight;
- 4) Duration of the flight; and
- 5) The result of the functional flight test;

26. All emitters used in the sUAS must be in compliance with all applicable FCC regulations and all provisions of the FCC authorization granted for the emitter. A FCC experimental authorization may not be used for sUAS operations under this Waiver; and

27. Operations Area: Operations conducted under this Waiver are limited to the Operations Area described in the waiver application (see description and images below).

28. Operations conducted are not permitted to exceed 400 feet AGL above the height of the rim of the mine in Zone 2.

Barney's Canyon Mine, Utah

Zone 1: 40° 46' 13" N, 112° 08' 53" W; 40° 46' 14" N, 112° 05' 01" W
 40° 43' 08" N, 112° 05' 03" W; 40° 43' 08" N, 112° 06' 53" W
 40° 41' 57" N, 112° 06' 38" W; 40° 34' 56" N, 112° 04' 38" W
 40° 34' 59" N, 112° 08' 17" W; 40° 40' 02" N, 112° 08' 20" W
 40° 42' 20" N, 112° 15' 18" W; 40° 43' 30" N, 112° 13' 13" W
 40° 43' 48" N, 112° 10' 10" W; 40° 44' 40" N, 112° 10' 55" W

At or Below: 400 feet AGL (in Blue)

Bingham Canyon Mine, Utah

Zone 2: 40° 34' 15" N, 112° 09' 36" W; 40° 34' 53" N, 112° 06' 09" W
 40° 29' 45" N, 112° 05' 06" W; 40° 29' 32" N, 112° 08' 11" W
 40° 30' 49" N, 112° 11' 40" W (in Green)

At or Below: 5,000 feet AGL



