

REV.DATE: 5/18/09



FOR MMD USE ONLY:

PROJECT NAME: _____

PERMIT #: _____

DATE RECEIVED: _____

DATE APPROVED: _____

LEAD INSPECTOR: _____

STATE OF NEW MEXICO
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
Director
Mining and Minerals Division
1220 South Saint Francis Drive
Santa Fe, New Mexico 87505
Telephone: (505) 476-3400

SUBPART 3
MINIMAL IMPACT NEW MINING OPERATIONS
PERMIT APPLICATION

The following information is required under the New Mexico Mining Act (Sections 69-36-1 through 69-36-20, NMSA 1978) and associated rules. The Mining and Minerals Division of the Energy, Minerals and Natural Resources Department is the administrative agency through which this application is to be processed. See §304, Minimal Impact New Mining Operations, of the New Mexico Mining Act Rules for all regulations associated with Minimal Impact Mining operations.

Permit Application Requirements: (§304.A-C and §601)

- A minimal impact new mining operation will not be considered a minimal impact mining operation if it exceeds **10 acres of disturbed land**, except that pre-existing roads and reclaimed areas within the permit area will not be counted. Reclaimed, for this purpose means all financial assurance has been released, except the amount held to reestablish vegetation pursuant to §1204.
- Permit applications shall be submitted in ample time to have the permit issued before mining operations begin, and operations shall not begin until after the permit is issued.
- Six copies of the completed application need to be submitted.
- Confidential information needs to be **clearly** indicated and submitted separately.

- Check the "YES" or "NO" box for each of the following characteristics as related to the proposed minimal impact mining operation:

| <u>YES</u> | <u>NO</u> | |
|--------------------------|-----------|--|
| <input type="checkbox"/> | X | Located in or having a direct surface impact on wetlands, springs, perennial or intermittent streams, lakes, rivers, reservoirs or riparian areas. |
| <input type="checkbox"/> | X | Located in designated critical habitat areas as determined in accordance with the federal Endangered Species Act of 1973 or in areas determined by the Department of Game and Fish likely to result in an adverse impact on an endangered species designated in accordance with the Wildlife Conservation Act, Sections 17-2-37 through 17-2-46 NMSA 1978 or by the State Forestry Division for the Endangered Plants Act, section 75-6-1 NMSA 1978. |
| <input type="checkbox"/> | X | Located in an area designated as Federal Wilderness Area, Wilderness Study Area, Area of Critical Environmental Concern, or an area within the National Wild and Scenic River System. |
| <input type="checkbox"/> | X | Located in a known cemetery or other burial ground. |
| <input type="checkbox"/> | X | Located in an area with cultural resources listed on either the National Register of Historic Places or the State Register of Cultural Properties. |
| <input type="checkbox"/> | X | Having or expected to have a direct impact on ground water that has a total dissolved solids concentration of less than 10,000 mg/L, except exploratory drilling intersecting ground water may be performed as a minimal impact operation. |
| <input type="checkbox"/> | X | Expected to use or using cyanide, mercury amalgam, heap leaching or dump leaching in its operations. |
| <input type="checkbox"/> | X | Expected to result in point or non-point source surface or subsurface releases of acid or other toxic substances from the permit area. |
| <input type="checkbox"/> | X | Requiring a variance from any part of these Rules as part of the permit application. |

IMPORTANT NOTES!

- If you have checked "YES" to any of the above boxes, the mining operation does not qualify as a minimal impact mining operation. Do not continue to fill out the remainder of this form.
- If you do meet the above requirements and have checked "NO" to **all** of the above boxes, continue filling out this application.
- Obtaining a Mining Act permit does not necessarily satisfy the obligation to obtain permits required by other governmental entities.
- PLEASE FILL IN ALL APPLICABLE INFORMATION AS COMPLETELY AS POSSIBLE.
- PLEASE PRINT OR TYPE ALL INFORMATION.

1. OPERATOR INFORMATION (§304.D.1)

LIST PROJECT NAME: Horizon Ag-Products Cuba Facility

NAME OF APPLICANT: Horizon Ag-Products

**ADDRESS: 1450 Infinite Dr
Louisville, CO 80027**

PHONE #: (303)319-9430

NAME OF OWNER (if different from applicant's name and address):

ADDRESS:

PHONE #:

NAME OF ON-SITE CONTACT OR OPERATOR'S REPRESENTATIVE:

Steven Brady

**ADDRESS: 23 Cubita Road
Cuba, NM 87013**

PHONE #: (303)319-9430

2. RIGHT TO ENTER INFORMATION (§304.D.1)

- A. Describe or provide evidence for the basis of the applicant's right to enter the property to conduct the mining and reclamation:

Horizon Ag-Products requires access to the Cuba Facility to conduct milling operations and has the right to do so due to ownership of the property.

- B. List the names and addresses of surface and mineral ownership within the proposed permit area:

1. **Surface Owner(s):**

| <u>Name</u> | <u>Address</u> | <u>Phone #</u> |
|----------------------------|---|----------------------|
| Horizon Ag-Products | 1450 Infinite Drive Louisville, CO 80027 | (303)319-9430 |
| | | |
| | | |

2. **Mineral Owner(s):**

| <u>Name</u> | <u>Address</u> | <u>Phone #</u> |
|-------------|----------------|----------------|
| NA | | |
| | | |
| | | |

- C. List the author(s), title(s), date(s) and report number(s) of any cultural resource survey report(s) submitted to the agency(ies) or landowner(s) listed above:

Not Applicable-Private Property

3. MAPS (§304.D.2)

A. Provide a legal description of the site [Township(s), Range(s) and Section(s)]:

Section 29/Section 32, Township 19N, Range 1W

B. Provide a topographic map(s) of at least 1 inch = 2,000 feet (or appropriate for the size of disturbance) showing the areas of land to be disturbed by the proposed mining and reclamation. Identify general area shown on the map(s) by Township, Range and Section(s). If the area to be mined contains the following features, show them on the map(s):

1. **Boundary of the proposed permit area** with the existing and proposed area of disturbance
2. Previously disturbed areas
3. Perennial, intermittent and ephemeral streams; springs; wetlands; riparian areas; lakes and reservoirs
4. Proposed and existing roads and other access routes
5. Residences
6. Support facilities
7. Cemeteries, burial grounds; cultural resources listed or eligible for listing on either the National Register of Historic Places or the State Register of Cultural Properties
8. Pipelines
9. Oil, gas, water and monitoring wells on and within two miles of the permit area
10. Identify the location of shafts, adits, trenches, ponds, pits, quarries, stockpiles, waste dumps, etc.

4. ENVIRONMENTAL PERMITS HELD FOR OTHER OPERATIONS (§304.D.3)

Provide a list of other environmental permits held for other mining operations within the United States and any violations issued for non-compliance with those permits.

NAMES OR TYPES OF ENVIRONMENTAL PERMITS:

SWPPP-Brie and Double Tree Mines, McKinley County, NM

LIST PERMIT VIOLATIONS; NUMBER, TYPE AND ISSUING AGENCY:

None

5. MINING DESCRIPTION (§304.D.4)

- A. Type of mineral or minerals to be mined: **Humate Processing**
- B. Check the method of proposed mining: _____ Surface or _____ Underground NA
- C. Describe the sizes and volumes of the facilities to be used:

Plant Site/Staging Area:

How Many 1 Acreage ~2 acres

Pits or Quarries: How Many NA Acreage _____ Volume (cu.yds.) _____
Stockpiles: How Many NA Acreage _____ Volume (cu.yds.) _____
Waste Dumps: How Many NA Acreage _____ Volume (cu.yds.) _____

List the following for New Road(s):

Length (ft.) _____ Width (ft.) _____
Length (ft.) _____ Width (ft.) _____

List the following for extension or widening of Existing Road(s):

Length (ft.) _____ Width (ft.) _____
Length (ft.) _____ Width (ft.) _____

Other Disturbances: Type: **Parking/Trucking Area**

How Many 1 Acreage 3 Volume (cu.yds.) _____

TOTAL ACREAGE TO BE DISTURBED: 5 Acres

D. Describe the type of processing that will be conducted on site:

Material will be processed and bagged for market. Please see the attached letter for further details.

E. Describe the typical equipment to be used for the mining operations:

Please see attached letter for further details.

6. CHEMICAL USE (§304.D.4)

A. List all chemicals proposed to be used by the mining operation. **NA**

Name:

Use:

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

7. GROUND WATER INFORMATION (§304.D.5)

A. Provide an estimate of depth to ground water and the total dissolved solids (T.D.S.) concentration.

- B. Describe the source of groundwater information:

New Mexico Office of the State Engineer

- C. Describe any dewatering activities to be conducted during mining operations:

NA

8. PERFORMANCE STANDARDS (§304.D.7)

- A. Provide a general description of how the mining and reclamation will be designed and operated using the most appropriate technology and best management practices:

Not Applicable-Processing Operation

- B. Provide a general description of how the mining and reclamation will be designed and operated to assure protection of human health and safety, the environment, wildlife, and domestic animals:

The operation will follow all procedures which ensure the safety of the personnel and surrounding environment as required by MSHA and other regulatory entities

- C. Provide a general description of how the mining and reclamation will be designed and operated to safeguard the public from unauthorized entry into shafts, adits and tunnels and to prevent falls from highwalls or pit edges:

Not Applicable-Processing Operation

- D. Provide a general description of how the mining and reclamation will be designed and operated so the disturbed area will not contribute suspended solids above background levels, or where applicable the Water Quality Control Commission's standards, to intermittent and perennial streams:

The milling operation will utilize best management practices and controls in order ensure all required safety precautions are met. Intermittent and perennial streams will be avoided.

- E. Provide a general description of how the mining and reclamation will be designed and operated to control erosion:

Not Applicable-Processing Operation

9. RECLAMATION PLAN (§304.D.8)

The operation will be operated and reclaimed to a self-sustaining ecosystem appropriate for the life zone of the surrounding areas following closure unless conflicting with the approved post-mining land use.

- A. List adjacent land use other than mining (i.e. grazing): **Residential, Farming, grazing**

B. List the proposed post mining land use (i.e. wildlife): **industrial/commercial**

C. Describe how reclamation activities will avoid adverse impact to cultural resources:

NA-Private Property

D. Describe any backfilling and grading operations to be performed after mining:

As the post-mining use is proposed to be industrial/commercial, no grading or backfilling should be necessary.

E. Describe what mitigation steps will be taken to reconstruct or protect the hydrologic balance of the site after mining:

Swales, straw wattles, and/or silt fences for prevention of sediment and water run-on/runoff will be constructed and maintained. These engineering controls will be used to control and maintain proper drainage in and around the disturbed areas during operations.

F. Describe how topsoil or topdressing will be salvaged, stockpiled and distributed for the re-establishment of vegetation:

As the proposed post-mining land use of the site is industrial/commercial, vegetation re-establishment is not expected.

G. Describe what kind of seed bed preparation will take place prior to seeding. What soil amendments will be added? Scarification of the seed bed needs to take place. Will this involve discing or ripping?

As the proposed post-mining land use of the site is industrial/commercial, no seed bed preparation is expected.

H. Describe in detail the plant species to be used in the re-establishment of vegetation: NA

| <u>Plant Name:</u> | <u>Rate of application (lb/ac)</u> |
|--------------------|------------------------------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

I. Will the seeds be broadcast or drilled into the seed bed? NA

J. Describe the type of mulch material to be applied after seeding and its application rate: NA

K. What structures will be on the site and how will they be removed or reclaimed? (Buildings, portals, adits, shafts, bore holes, ponds, etc.):

Please see the attached letter for proposed post-mining use.

L. What roads are part of the mine site and how will they be reclaimed? Please provide an estimate of road square footage and explain if reclamation will involve ripping, scarification, backfilling, recontouring, and retopsoiling, etc.:

Existing roads will be utilized for access purposes. Reclamation of roads is not expected due to commercial/industrial post-mining use.

M. What will be the time frame for reclamation, (e.g. time of year, during mining, after mining, etc)?

NA

Proposed reclamation dates: Begin: ___ / ___ / ___ End: ___ / ___ / ___

10. OTHER REQUIRED PERMITS FOR THIS OPERATION (§304.D.9)

A. Provide a list of other permits required for the operation and the anticipated schedule for receipt of these.

| <u>Permit Name & Issuing Agency</u> | <u>Date or anticipated date of receipt</u> |
|---|--|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

11. FINANCIAL ASSURANCE AND PERMIT FEES (§304.E & F)

A. Provide a financial assurance estimate based on the cost of reclaiming the site by a third party. Include supporting calculations. Operations with less than 2 acres total disturbance are not required to provide financial assurance.

B. Attach the permit fees as determined pursuant to Subpart 2. The permit application fee for a minimal impact new mine is \$1,000.00.

12. **CERTIFICATION REQUIREMENT (§304.J.5)**

Each application shall be signed **and notarized** by an applicant for the operation with the following certification made:

I certify that I have personally examined and am familiar with the information submitted herein, and based on my inquiry of those individuals responsible for obtaining the information, I believe the submitted information is true, accurate, and complete. I agree to comply with the requirements of the permit, these Rules, and the Act. Further, I hereby allow the Director to enter the permit area for the purpose of conducting inspections until release of financial assurance.


Signature of Applicant: *Steven Brady*

Name (typed or print): *Steven Brady*

Title/Position: *Operations Manager*

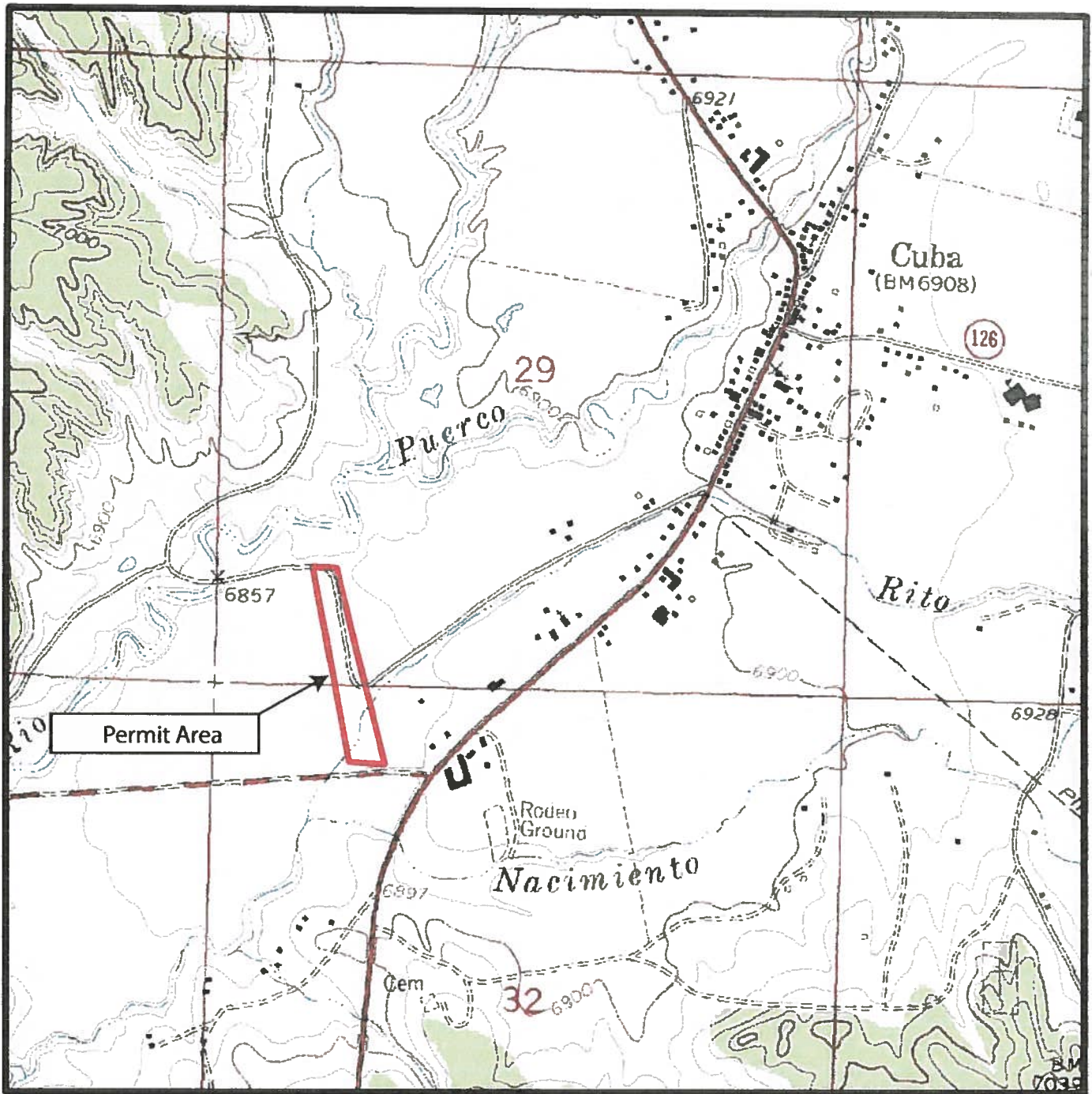
Date: *July 18 2014*

Signature of Notary: *Lucy M. Morfin*

 OFFICIAL SEAL
Lucy M. Morfin
NOTARY PUBLIC - STATE OF NEW MEXICO
My Commission Expires: 02/25/2015

┌ Notary Seal ─┐

Cuba Facility Permit Area Topographic Map



Cuba Facility Permit Area Aerial Imagery Map



 Permit Area

0 335 670 1,340 2,010 2,680 Feet

1:5,000

Documents marked as “Confidential” by the Applicant are:

- Justification for commercial/industrial post-mining land use
- Processing details