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Alfred Lomahquahu Jr.  
VICE-CHAIRMAN



October 15, 2014

Fernando Martinez, Director, Mining and Minerals Division  
Attention: James Hollen  
New Mexico Energy, Minerals, and Natural Resources Department  
1220 South St. Francis Drive  
Santa Fe, New Mexico 87505

Re: Application for Revision 14-1, Continental Mine, Freeport McMoRan Copper & Gold, Cobre Mining Company Permit No GR002RE

Dear Mr. Martinez,

This letter is in response to your correspondence dated October 7, 2014, regarding an Application for Revision 14-1, from Freeport McMoRan Copper & Gold, Cobre Mining Company, Permit No GR002RE, for a proposed new haul road linking the Continental Mine with the Chino Mine in Grant County. The Hopi Tribe claims cultural affiliation to earlier identifiable cultural groups in New Mexico. The Hopi Cultural Preservation Office supports identification and avoidance of prehistoric archaeological sites and Traditional Cultural Properties, and we consider the archaeological sites that are habitations of our ancestors to be "footprints" and Hopi Traditional Cultural Properties. Therefore, we appreciate your continuing solicitation of our input and your efforts to address our concerns.

The Hopi Cultural Preservation Office is interested in consulting on any proposal in New Mexico with the potential to adversely affect prehistoric sites. We are not aware of any Hopi Traditional Cultural Properties in this project area. However, to enable us to determine if this application may affect cultural resources significant to the Hopi Tribe, please provide us with a copy of the cultural resources survey of the area of potential effect for review and comment. If prehistoric cultural resources are identified and will be adversely affected by project activities, we request continuing consultation on this proposal including being provided with a copy of any proposed treatment plans for review and comment.

Should you have any questions or need additional information, please contact Terry Morgart at [tmorgart@hopi.nsn.us](mailto:tmorgart@hopi.nsn.us). Thank again you for your consideration.

Respectfully,

  
Leigh J. Kuwanwisiwma, Director  
Hopi Cultural Preservation Office

xc: New Mexico State Historic Preservation Office



THE  
NAVAJO  
NATION



BEN SHELLY  
PRESIDENT

Historic Preservation Department, POB 4950, Window Rock, AZ 86515 • PH: 928.871-7198 • FAX: 928.871.7886

REX LEE JIM  
VICE-PRESIDENT

November 6, 2014

Fernando Martinez, Director  
State of New Mexico  
Energy, Minerals and Natural Resources Department  
1220 South St. Francis Drive  
Santa Fe, NM 87505

Subject: **APPLICATION FOR REVISION; CONTINENTAL MINE FREEPORT-MCMORAN COPPER & GOLD, COBRE MINING COMPANY PERMIT NO. GR002RE**

Dear: Mr. Martinez,

The Historic Preservation Department-Traditional Culture Program, hereafter (HPD-TCP) is in receipt of the letter notification for the proposed Revision 14-1, Continental Mine Freeport new haul road linking the Continental Mine with the Chino Mine in order to deliver ore mined from Continental to the Chino Mine for milling and leaching.

After reviewing the information documents provided, HPD-TCP has concluded that this particular project proposal **will not have** adverse affects to Navajo Traditional Cultural Properties. HPD-TCP on behalf of the Navajo Nation has no concerns at this time.

If the proposed project inadvertently discovers habitation sites, plant gathering areas, human remains and objects of cultural patrimony the HPD-TCP request that we be notified respectively in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA). *(The Navajo Nation claims cultural affiliation to all Anasazi people (periods from Archaic to Pueblo IV) of the southwest. The Navajo Nation makes this claim through Navajo oral history and ceremonial history, which has been documented as early as 1880 and taught from generation to generations).*

The HPD-TCP appreciates the State of New Mexico's consultation efforts regarding this document. Should you have any additional concerns and/or questions do not hesitate to contact me electronically at [tony@navajohistoricpreservation.org](mailto:tony@navajohistoricpreservation.org) or telephone at 928-871-7750.

Sincerely,

Tony H. Joe, Jr., Supervisory Anthropologist (Section 106 Consultation)  
Traditional Culture Program  
Historic Preservation Department

**Hollen, James, EMNRD**

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**From:** Roth, Daniela, EMNRD  
**Sent:** Thursday, October 30, 2014 1:04 PM  
**To:** Hollen, James, EMNRD  
**Subject:** RE: Revision 14-1, Continental Mine, Permit No. GR002RE

Dear James Hollen:

Thank you for giving me the opportunity to review and comment on Revision 14-1, Continental Mine, Permit No. GR002RE from the Freeport-McMoRan Cobre Mining Company for the Continental Mine in Grant County, NM. Based on the information provided, I do not anticipate any impacts to state listed endangered plants from the proposed revision.

Please let me know if I can be of further help.

Sincerely,

**Daniela Roth**

**BOTANY PROGRAM COORDINATOR**

EMNRD-Forestry Division  
1220 S. St. Francis Dr.  
Santa Fe, NM 87505  
(505)476-3347 (Phone)  
(505)476-3330 (Fax)

## Hollen, James, EMNRD

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**From:** Myers, Kevin, OSE  
**Sent:** Wednesday, November 19, 2014 12:07 PM  
**To:** Hollen, James, EMNRD  
**Cc:** Johnson, Mike S., OSE; Valentine, Lloyd, OSE; Whatley, Tom M., OSE  
**Subject:** RE: NMOSE Comments for MMD permit No. GR002RE, Rev. 14-1, New Haul Road between Continental and Chino Mines

James,

On October 8, 2014, the Mining and Minerals Division (MMD) requested that New Mexico Office of the State Engineer Hydrology Bureau (NMOSE) review and comment on the Revision 14-1 for the MMD permit GR002RE – Continental Mine to Chino Mine Haul Road (Revision). For the Revision, Freeport-McMoRan Cobre Mining Company submitted an application to change permit boundary and design limits dated August 22, 2014 (Updated CCP), which was prepared by Freeport McMoRan Cobre Mining Company with supporting documents from Telesto Solutions Incorporated. East and southeast of Continental Mine, the proposed approximately 3.5 miles long and 120 feet wide haul road is located within NMOSE's Mimbres Underground Water Basin.

Previously, NMOSE commented on GR002RE on November 2, 2012.

NMOSE has reviewed the Revision. NMOSE has the following comments:

1. Dust control. Applicant should provide more details than given in the Revision. While Cobre Mining Company has many water rights, the location of the road appears to fall outside of places of use. During construction, operation and closure, some water trucks may be part of the best management practices (BMP) that the Revision mentions. If watering for dust control is used, Applicant may need changes to existing water rights that would require review and approval by NMOSE District III office in Deming.
2. Proximity of existing wells along haul road route. Continental Mine has two well permits for M-10566 POD23 and M-10566 POD24 located near proposed haul road route. Not all well permits are used and NMOSE WATERS database may be incomplete. The absence of a well log makes it unclear if PODs 23 and 24 were drilled. So, applicant should indicate whether or not these two wells exist.

If you have any questions about the above, contact me.

Kevin Myers, Hydrologist  
Hydrology Bureau - NM OSE  
P.O. Box 25102  
Santa Fe, NM 87504-5102  
Ph: (505) 476-7402  
Fax: (505) 476-0220

<http://www.ose.state.nm.us/>

## Hollen, James, EMNRD

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**From:** Keeven, Leighandra <lkeeven@blm.gov>  
**Sent:** Tuesday, November 25, 2014 4:08 PM  
**To:** Hollen, James, EMNRD  
**Cc:** Doug Haywood  
**Subject:** Supplemental Information Review of Permit GR002RE

Hi,

The BLM does not have any comments on the supplemental information for Permit GR002RE. However, we request that all correspondence be directed to:

Douglas Haywood - Supervisory Lands and Minerals

Thank you,

**Leighandra Keeven**  
Geologist  
Bureau of Land Management  
Las Cruces District Office  
(575) 525-4337

## Hollen, James, EMNRD

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**From:** Watson, Mark L., DGF  
**Sent:** Friday, December 12, 2014 3:04 PM  
**To:** Hollen, James, EMNRD  
**Cc:** Hayes, Chuck L., DGF; Wunder, Matthew, DGF  
**Subject:** RE: Cobre haul road

Jimmy we had an informative tour of the Cobre Haul Road with Amber.

I think at this point we will pass on the opportunity to comment on the MMD process.

However I just requested a copy of the BLM EA on the project and we may decide to comment on that.

It is not clear at this time that we have any reasonable recommendations to make for wildlife mitigation, but we will see how BLM assesses wildlife impacts in the EA and go from there.

Thanks for your assistance in organizing the site visit.

FYI we hope to interview for the Mining Habitat Specialist position soon.

Mark L. Watson  
Terrestrial Habitat Specialist  
Division of Ecological and Environmental Planning  
NM Department of Game and Fish  
P.O. Box 25112  
Santa Fe, NM 87504  
1 Wildlife Way  
Santa Fe, NM 87507  
(505) 476-8115  
FAX: (505) 476-8128

For NM wildlife info, visit Biota Information System of New Mexico (BISON-M):  
Species Accounts, Searches and County Lists (use the "Database Query" option): <http://www.bison-m.org/>  
Habitat Handbook Project Guidelines:  
[http://www.wildlife.state.nm.us/conservation/habitat\\_handbook/index.htm](http://www.wildlife.state.nm.us/conservation/habitat_handbook/index.htm)  
New Mexico Wildlife of Concern by Counties List:  
[http://www.wildlife.state.nm.us/conservation/share\\_with\\_wildlife/documents/speciesofconcern.pdf](http://www.wildlife.state.nm.us/conservation/share_with_wildlife/documents/speciesofconcern.pdf)

## CONSERVING NEW MEXICO'S WILDLIFE FOR FUTURE GENERATIONS

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**From:** Hollen, James, EMNRD  
**Sent:** Friday, December 05, 2014 8:45 AM  
**To:** Watson, Mark L., DGF



NEW MEXICO  
ENVIRONMENT DEPARTMENT



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RYAN FLYNN  
Cabinet Secretary  
BUTCH TONGATE  
Deputy Secretary

DATE: December 12, 2014

TO: Holland Shepherd, Program Manager, Mining Act Reclamation Program

FROM: John Hall, Mining Act Team Leader, NMED MECS

RE: **Comments on Permit No. GR002RE –Revision 14-1, Errata Design Limit Boundaries for New Haul Road**

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The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) on November 18, 2014 requesting NMED review and provide comments on the Freeport-McMoRan Cobre Mining Company (Cobre), *Permit No. GR002RE – Revision 14-1, Errata and Revision to Permit GR002RE-Permit & Design Limit Boundaries* (Application). MMD requested comments within 30 days of receipt in accordance with Section 19.10.5.505.B(3). NMED has the following comments:

**Air Quality Bureau**

The Air Quality Bureau comments are attached under separate letterhead.

**Surface Water Quality Bureau**

The Surface Water Quality Bureau comments are attached under separate letterhead.

**Ground Water Quality Bureau**

The Application submitted to MMD by Cobre includes a request to change the approved permit boundary and design limits to facilitate construction of a haul road between Cobre and Freeport-McMoRan Chino Mines Company (Chino). Ore mined from Cobre will be transported by truck via the haul road to Chino for milling and leaching.

NMED has informed Cobre that the proposed Cobre Haul Road (CHR) may be considered a non-discharging unit, and therefore, would be conditionally exempt from 20.6.7 NMAC regulations. This is based on NMED's understanding that the CHR will not be constructed with acid generating material or material that has the potential to generate contaminated leachate. Cobre states in the Application that if acid generating material is encountered during

construction of the CHR, it will be encapsulated with three feet of non-acid generating material. NMED will require the same treatment of material that has the potential to generate contaminated leachate.

In addition, NMED understands that one to three ground water monitoring wells may be impacted by the construction of the CHR based on a site visit with Cobre representatives on October 24, 2014. NMED will require replacement of any wells that are impacted by construction of the CHR.

NMED is not providing an environmental determination at this time pending a response from Cobre addressing the Surface Water Quality Bureau's concerns regarding the application's description of erosion control and maintenance.

If you have any questions, please contact John Hall at (505) 827-1049.

Cc: Jerry Schoeppner, Chief, NMED GWQB  
James Hogan, Chief, NMED SWQB  
Richard Goodyear, Chief, NMED AQB  
James Hollen, Permit Lead, MMD  
Kurt Vollbrecht, Program Manager, NMED MECS





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New Mexico  
**ENVIRONMENT DEPARTMENT**

***Air Quality Bureau***

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Ryan Flynn  
Cabinet Secretary

Butch Tongate  
Deputy Secretary

**MEMORANDUM**

DATE: November 24, 2014

TO: John Hall  
Mining Act Team Leader  
Mining Environmental Compliance Section  
Ground Water Quality Bureau

FROM: Neal Butt  
Environmental Scientist & Specialist, Air Quality Bureau

RE: Request for Review and Comment: *Application by Freeport-McMoRan Cobre Mining Company for Revision 14-1 to Mining Permit GR002RE to Change Permit Boundary and Design Limits Allowing Construction of New Haul Road Between Continental Mine and Chino Mine and Supplemental Information for Application for Revision 14-1 of Permit GR002RE Continental Mine, Freeport-McMoRan Copper & Gold, Cobre Mining Co.*

The New Mexico Air Quality Bureau (AQB) has completed its review of the *Application by Freeport-McMoRan Cobre Mining Company for Revision 14-1 to Mining Permit GR002RE to Change Permit Boundary and Design Limits Allowing Construction of New Haul Road Between Continental Mine and Chino Mine* (submitted 8/22/14) as well as the *Supplemental Information for Application for Revision 14-1 of Permit GR002RE Continental Mine, Freeport-McMoRan Copper & Gold, Cobre Mining Co.* (submitted 10/29/14). Pursuant to the New Mexico Mining Act Rules, the AQB has the following comments:

***Air Quality Permitting History***

Cobre Continental Mine and Chino Mine both have several permitted air emission sources and non-permitted fugitive emissions sources such as open pit mines and stockpiles. However the proposed Cobre Haul Road will constitute new construction, and as such may require an air quality permit or permit revision.

## **Details**

Freeport-McMoRan Cobre Mining Company (Cobre) owns and operates existing mining operations located in southwestern New Mexico, including the Cobre Continental Mine and all associated facilities. Cobre has submitted an application and corrections to errors found in the figures included in the original application, to the Mining and Mineral Division (MMD) for changes to its permit GR002RE pursuant to 19.10.5.505 NMAC, *Permit Modifications And Revisions*.

Their application requests changes to the approved permit boundary and design limits. The proposed changes will enable Cobre to construct the Cobre Haul Road (CHR). The CHR will be used to transport copper ore from Cobre's mining facilities to Freeport-McMoRan Chino Mines Company facilities (Chino) for beneficiation. The existing Cobre permit boundary will expand by approximately 31 acres and the Cobre design limits will expand to include approximately 100 additional acres. Their application generally follows 19.10.5.508 NMAC, *New Units* to ensure completeness and timely approval of the application by MMD.

The proposed CHR will be located on the east side of the Hanover Valley and runs generally north to south from Cobre to Chino. The road will be approximately 3.5 miles long and 120 feet wide and will be used by mine personnel and equipment. The road will be fenced and not open to the public.

Pursuant to Subsections A and B of 19.10.5.506 NMAC, a closeout plan for the CHR was submitted and includes a cost estimate to serve as the basis to determine the amount of financial assurance. The closeout plan describes in detail how the expanded area will be reclaimed to achieve a post mining land use of wildlife habitat.

The proposed CHR covers approximately 105 acres including approximately 91 acres of land controlled by Cobre, 8.7 acres of U.S. Bureau of Land Management (BLM) administered lands, and approximately 5 acres of land controlled by Chino. Cobre submitted to the BLM an amendment to its existing Mine Plan of Operations (MPO) in December 2012. An Environmental Assessment (EA) is also being developed for the MPO amendment. In the EA, no action and proposed action mining scenarios are being analyzed. The no action scenario uses unconstructed facilities authorized in the current Cobre Permit GR002RE with ore leaching and milling occurring at Cobre. In comparison, the proposed action analyzes mining at Cobre with ore deliveries to Chino for leaching and milling. According to their application, the proposed action, which relies upon the CHR to transport ore from Cobre to Chino, would result in overall fewer environmental effects than the no action alternative.

## **Air Quality Requirements**

The New Mexico Mining Act of 1993 states that "Nothing in the New Mexico Mining Act shall supersede current or future requirements and standards of any other applicable federal or state law." Thus, the applicant is expected to comply with all requirements of federal and state laws pertaining to air quality. Current requirements which may be applicable in this mining project include, but are not limited to the following:

Subsection A of 20.2.72.200 NMAC, *Application For Construction, Modification, NSPS, And NESHAP - Permits And Revisions*, states that: “Permits must be obtained from the Department by:

(1) “any person constructing a stationary source which has a potential emission rate greater than 10 pounds per hour or 25 tons per year of any regulated air contaminant for which there is a National or New Mexico Ambient Air Quality Standard {e.g. PM, TSP}. If the specified threshold in this subsection is exceeded for any one regulated air contaminant, all regulated air contaminants with National or New Mexico Ambient Air Quality Standards emitted are subject to permit review [ . . .]”; and

(3) “Any person constructing or modifying any source or installing any equipment which is subject to 20.2.77 NMAC, *New Source Performance Standards* {e.g. *Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants*}, 20.2.78 NMAC, *Emission Standards for Hazardous Air Pollutants*, or any other New Mexico Air Quality Control Regulation which contains emission limitations for any regulated air contaminant;”

Also, Paragraph (1) of Subsection A of 20.2.73.200 NMAC, *Notice Of Intent* states that:

“Any owner or operator intending to construct a new stationary source which has a potential emission rate greater than 10 tons per year of any regulated air contaminant or 1 ton per year of lead shall file a Notice Of Intent with the department.”

### **Permitting Requirements for Regulated Equipment and Sources of Fugitive Dust (e.g. PM , TSP)**

The Air Quality Bureau regulates particulate matter emissions from stationary sources that process mined materials via: 20.2.15 NMAC, *Pumice, Mica, and Perlite Processing*; 20.2.19 NMAC, *Potash, Salt or Sodium Sulfate Processing Equipment – PM*; 20.2.42 NMAC, *Coal Mining and Preparation Plants – PM*; and 20.2.72 NMAC, *Construction Permits*. The emissions from equipment and activities such as crushers, screens, conveyors, baghouses, material drop and transfer points, haul roads, and storage piles must all be considered in determining applicability under 20.2.72 NMAC. Also, a haul road of this size may necessitate permit conditions regarding base course, watering and surfactants. Please contact the Permit Section for additional guidance.

Fugitive dust is a common problem at mining sites. Fugitive dust emissions are regulated generally by 20.2.72.200.A NMAC (e.g., 10 lbs./hour or 25 TPY). However, specific strategies to control fugitive dust may be left up to the discretion of the owner / operator of the source. The following control strategies can be included in a comprehensive facility dust control plan (from EPA’s *Compilation of Air Pollutant Emission Factors, AP-42*):

Unpaved haul roads and traffic areas: paving of permanent and semi-permanent roads, application of surfactant, watering, and traffic controls, such as speed limits and traffic volume restrictions.

Request for Review and Comment, Application by Freeport-McMoRan Cobre Mining Company for Revision 14-1 to Mining Permit GR002RE to Change Permit Boundary and Design Limits Allowing Construction of New Haul Road Between Continental Mine and Chino Mine {Including Supplemental Information: Errata and Corrected Figures}

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Paved roads: covering of loads in trucks to eliminate truck spillage, paving of access areas to sites, vacuum sweeping, water flushing, and broom sweeping and flushing.

Material handling: wind speed reduction and wet suppression, including watering and application of surfactants (wet suppression should not confound track out problems).

Bulldozing: wet suppression of materials to “optimum moisture” for compaction.

Scraping: wet suppression of scraper travel routes.

Storage piles: enclosure or covering of piles, application of surfactants.

Miscellaneous fugitive dust sources: watering, application of surfactants or reduction of surface wind speed with windbreaks or source enclosures.

The above is not intended to be an exhaustive list of all requirements that could apply. The applicant should be aware that this determination does not supersede the requirements of any current federal or state air quality requirement. The Air Quality Bureau or the US Environmental Protection Agency may implement additional requirements, regulations and standards for the control of fugitive dust sources in the future. This written determination does not preclude the applicability of any forthcoming state or federal regulations.

If you have any questions, please contact me at (505) 476-4317.



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RYAN FLYNN  
Cabinet Secretary

JOHN A. SANCHEZ  
Lieutenant Governor

BUTCH TONGATE  
Deputy Secretary

DATE: December 12, 2014

TO: Holland Shepherd, Program Manager, Mining Act Reclamation Program

FROM: John Moeny, Surface Water Quality Bureau

THROUGH: John Hall, NMED Mining Act Team Leader

**RE: Revision to Permit GR002RE—Permit & Design Limit Boundaries for Freeport-McMoran Cobre Mining Company.**

The Surface Water Quality Bureau (SWQB) of the New Mexico Environment Department has examined the application for a revision to permit GR002RE which will expand the permit and design limit boundaries for the Freeport-McMoran Cobre Mining Company. The proposed work involves building the Cobre Haul Road (CHR) to transport copper ore from Cobre’s mining facility to the Chino facility for beneficiation. The CHR would be approximately 3.5 long and 120 feet wide within the Hanover Valley. The road alignment will traverse both undisturbed areas as well as previously mined areas, some of which have been reclaimed and other that have not. Some areas contain the potential for acid generating rock but the road will effectively ‘cap’ these unreclaimed areas. Hanover Creek drains the valley and is considered an unclassified intermittent stream. The CHR crosses Hanover Creek in one location near Hanover Mountain and also crosses several unclassified ephemeral tributaries to Hanover Creek. The Surface Water Quality Bureau does not recognize any impairment to surface waters within the expanded permit and design limit boundaries described in this application. However, general water quality standards and anti-degradation policies apply at all times to all surface waters of the state. They include, but are not limited to:

- 20.6.4.8 ANTIDegradation Policy and Implementation Plan:  
This anti degradation policy applies to all surface waters of the state.
- 20.6.4.13 GENERAL CRITERIA:  
Bottom Deposits and Suspended or Settleable Solids, Floating Solids, Oil and Grease, Toxic Pollutants, Temperature, and Turbidity:  
General criteria are established to sustain and protect existing or attainable uses of surface waters of the state. These general criteria apply to all surface waters of the state at all times, unless a specified criterion is provided elsewhere in this part. Surface waters of the state shall be free of any water contaminant in such quantity and of such duration as may with reasonable probability injure human health, animal or plant life or property, or unreasonably interfere with the public welfare or the use of property.

- 20.6.4.97 EPHEMERAL WATERS - Ephemeral unclassified waters of the state as identified below and additional ephemeral waters as identified on the department's water quality standards website pursuant to Subsection C of 20.6.4.15 NMAC.  
A. Designated Uses: livestock watering, wildlife habitat, limited aquatic life and secondary contact.  
B. Criteria: the use-specific criteria in 20.6.4.900 NMAC are applicable to the designated uses.
- 20.6.4.98 INTERMITTENT WATERS - All non-perennial unclassified waters of the state, except those ephemeral waters included under 20.6.4.97 NMAC.  
A. Designated Uses: livestock watering, wildlife habitat, marginal warmwater aquatic life and primary contact.  
B. Criteria: the use-specific criteria in 20.6.4.900 NMAC are applicable to the designated uses, except that the following site-specific criteria apply: the monthly geometric mean of E. coli bacteria 206 cfu/100 sample 940 cfu/100 mL or less.  
[20.6.4.98 NMAC - N, 05-23-05; A, 12-01-10]

The application and close-out plan provide adequate description of engineering designs and best-management-practices that should insure compliance with state water quality standards. However, several items in the permit application are vaguely described or inadequately supported in the application package making an assessment of impacts to surface waters by the CHR difficult. For example:

Page 3 of the permit application discusses the Environmental Assessment (EA) currently being drafted by the Bureau of Land Management for environmental impacts of the CHR to federal owned public lands. The application states, "the proposed action, which relies upon the CHR to transport ore from Cobre to Chino, results in overall fewer environmental effects than the no action alternative". However, the EA is not included in the application package so that this assertion can be verified.

Page 5 of the permit application summarizes the closeout plan elements and provides for "erosion control and maintenance for 6 days per year for the first year and 1 day per year for 11 years; totaling 12 years of maintenance." This could also be summarized as 17 days of maintenance over 12 years. But that still does not adequately describe the level of effort that the permittee will provide in order to prevent erosion to the road and keep storm water discharge to a minimum and comply with the water quality standards and anti-degradation policy. This road has been deemed a non-discharging unit due to the design elements that will keep acid generating material encapsulated under the road. However, large scale erosion could expose acid generating material and leach it into groundwater or tributaries of the main stem of Hanover Creek. If an erosive event occurred on year three and could not be corrected in one day, what then? The SWQB recommends not limiting the amount of erosion mitigation to a set number of days, but rather a performance driven goal of keeping erosion to a minimum with frequent inspection of the road and culverts following large rain events.

Thank you for the opportunity to comment.

Sincerely,

John Moeny



Susana Martinez  
Governor

STATE OF NEW MEXICO  
**DEPARTMENT OF CULTURAL AFFAIRS**  
**HISTORIC PRESERVATION DIVISION**

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December 19, 2014

James Hollen  
Permit Lead  
Mining Act Reclamation Program  
1220 South St. Francis Drive  
Santa Fe, NM 87505

Re: Request for Review and Comments, Application for Revision 14-1, Continental Mine Freeport-McMoRan Copper & Gold, Cobre Mining Co. Permit GR002RE

Dear Mr. Hollen:

I am writing in response to your request for review and comment on the above referenced permit revision received at the Historic Preservation Division (HPD) October 17, 2014 and supplemental information received November 17, 2014.

According to our records, there are no cultural resources listed on either the National Register of Historic Places or the State Register of Cultural Properties within the permit area. Although there are no properties listed on the State or National Register, a cultural resources survey for the proposed haul road was conducted by Dos Rios Consultants in August 2012 for the Bureau of Land Management (BLM), Las Cruces District Office. During that survey, 17 archaeological sites were documented.

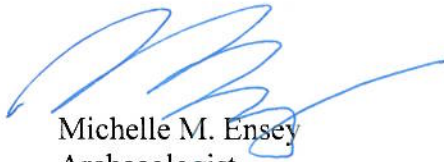
According to the application submitted by Freeport-McMoRan Cobre Mining Company, the survey identified 8 sites on BLM land and only one site was determined to be eligible under Criterion D (information potential). Cobre states that the haul road was redesigned to avoid the eligible archaeological site. The application does not mention the sites that are located on private land and it is not clear whether the other sites will be avoided. In addition, it does not appear that the Grade, Rip and Seed areas were included in the survey area and there may be a potential for close-out activities to affect unidentified archaeological sites.

Although only a portion of the haul road includes BLM land, the BLM consulted with this office under Section 106 of the National Historic Preservation Act on the entire haul road. On October 7, 2013, Bob Estes, HPD archaeologist, sent a letter to the BLM

requesting additional consultation on the project because of potential adverse effects to sites eligible for listing on the National Register of Historic Properties. To date, the BLM has not responded to our letter and I will be following up with them to resolve our issues with this consultation.

If you have any questions concerning these comments, please do not hesitate to contact me. I can be reached by telephone at (505) 827-4064 or by email at [michelle.ensey@state.nm.us](mailto:michelle.ensey@state.nm.us).

Sincerely,



Michelle M. Ensey  
Archaeologist

Log: 100133

Cc: Tom Holcomb, Las Cruces BLM