

Freeport-McMoRan Chino Mines Company  
P.O. Box 10  
Bayard, NM 88023



March 28, 2016

**Certified Mail #70150640000636729422**  
**Return Receipt Requested**

Mr. Chris Eustice  
Energy, Minerals and Natural Resources Department  
Mining and Minerals Division  
Mining Act Reclamation Program  
1220 South St. Francis Drive  
Santa Fe, New Mexico 87505

Dear Mr. Eustice:

**Re: Freeport-McMoRan Chino Mines Company: Request to**  
**Modify Section 8.N.3 and Seed Mix Section of Appendix C of Permit No. GR009RE**

Freeport-McMoRan Chino Mines Company (Chino) requests to modify Permit GR009RE Revision 01-01 to reduce the wildlife monitoring frequency listed in Section 8.N.3 and the seed mix section of Appendix C.

Freeport and the Mining and Mineral Division (MMD) have had several discussions (via email correspondence and conference calls) regarding the wildlife monitoring schedule for the Chino, Tyrone and Cobre Mines. The goal of the wildlife monitoring survey as indicated in the permits is to “understand wildlife use trends during establishment of a reclaimed area”. Wildlife typically begins utilizing reclaimed sites once vegetation is established. FMI has conducted several years of wildlife monitoring on reclaimed sites at the Little Rock, Tyrone and Chino Mines. Results from the survey indicate a positive correlation between wildlife species diversity and population and vegetation density. The survey results have become predictable and redundant.

Chino requests to reduce the frequency of wildlife monitoring and that it coincide with the quantitative vegetation monitoring schedule. This new schedule will help better correlate wildlife use trend and vegetation cover density. Chino therefore proposes that wildlife monitoring survey be conducted six years after seeding and two years out of the four final years prior to bond release. The bird survey will be conducted once between January to early February for overwintering species and once during the peak breeding season of late May to early June during survey years. Deer pellet group count will be conducted between late May and early June. The pellet count will be planned to coincide with the peak breeding season bird survey.

Shown below are the current permit conditions:

”The Permittee shall document wildlife use of areas to be reclaimed for a post-mining wildlife habitat as follows:

- a) deer pellet group counts shall be conducted quarterly (seasonally) beginning 3 years after reseeding;

- b) bird diversity surveys shall be conducted quarterly (seasonally) beginning 3 years after reseeding.

The results of these wildlife surveys shall not be a condition of or given consideration with regard to bond release. Results will be evaluated to determine wildlife use trends during re-establishment of a self-sustaining ecosystem. The Permittee shall submit for MMD approval, a wildlife monitoring workplan, identifying sampling methodologies and a map with sampling locations by December 2004. The Permittee shall establish wildlife habitat features such as rock piles and/or brush piles to promote floral and faunal diversity. The Permittee shall consult with the New Mexico Game and Fish Department and may solicit input from other interested participants regarding the development of the workplan.

Chino proposes that it be changed to the language shown below in italics:

*“The Permittee shall document wildlife use of areas to be reclaimed for a post-mining wildlife habitat as follows:*

- a) *deer pellet group counts shall be conducted in year 6 after reseeding, and in 2 years of the last 4 years prior to release of financial assurance; and*  
b) *bird diversity surveys shall be conducted twice in year 6 after reseeding, and in 2 years of the last 4 years prior to release of financial assurance.*

*The deer pellet group counts and the bird diversity surveys shall be conducted in the same years that the quantitative vegetation surveys are conducted as required in Appendix A. Results of the surveys will be evaluated to determine wildlife-use trends during re-establishment of a self-sustaining ecosystem. The results of these surveys shall not be a condition with regard to bond release. The Permittee shall perform the wildlife monitoring surveys in accordance with the MMD approved wildlife monitoring work plan.”*

The availability of a seed mix depends on several factors including harvest volumes, economic demand and order schedule. There have been instances where Chino was not able to order a desired seed mix either because the harvest was poor or it was sold out. To assist Chino, the following additional language (italicized below) is proposed to be added to the Permit Number GR009RE condition found just above Table 4-1 of Appendix C.

*“The species list will be included in the vegetation monitoring work plan and may be amended with MMD approval”.*

Enclosed is a \$1,000 fee for the processing of this permit modification request. Chino appreciates your consideration of this request. At your convenience, please contact Ms. Rita Lloyd-Mills at (575) 912-5778 with any questions.

Sincerely,



Lynn A. Lande, Chief Environmental Engineer  
Reclamation Services