

Ennis, David, EMNRD

From: Roth, Daniela, EMNRD
Sent: Monday, May 23, 2016 11:29 AM
To: Ennis, David, EMNRD
Subject: RE: Modification 16-2 Application, Freeport-McMoRan Chino Mines Company

Dear David Ennis:

Thank you for giving me the opportunity to review and comment on Modification 16-2 Application, for the Freeport-McMoRan Chino Mines Company in Grant County, NM (Permit No. GR009E).

I do not anticipate any impacts to state listed endangered plants from the proposed changes in the frequency of wildlife monitoring or the changes in language pertaining to the seed mixes used for reclamation.

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

Daniela

BOTANY PROGRAM COORDINATOR
EMNRD-Forestry Division
1220 S. St. Francis Dr.
Santa Fe, NM 87505
(505)476-3347 (Phone)
(505)476-3330 (Fax)
<http://www.emnrd.state.nm.us/SFD/>

27 May 2016

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

Comments

Wildlife Monitoring

1. FMI states: "Wildlife typically begins utilizing reclaimed sites once vegetation is established." Please reference the Little Rock, Tyrone, and/or Chino vegetation and wildlife monitoring report(s) with specific tables that support this statement for the reclaimed areas at these mines.
2. FMI states "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." Please reference the report(s) and data table(s) that correlate wildlife species diversity and population and vegetation density at the Little Rock, Tyrone and/or Chino Mines.
3. FMI proposed change to Section 8.N.3. states that "The Permittee shall perform the wildlife monitoring surveys in accordance with the MMD approved wildlife monitoring work plan." While MMD agrees with this language, please note that there are discrepancies between the work plan and the information in submitted monitoring reports. Based on lessons learned from surveys conducted at the Little Rock, Tyrone, and/or Chino reclaimed areas, FMI may consider proposing an updated work plan for MMD approval.

Seed Mix

1. FMI's proposed change states: "The species list will be included in the vegetation monitoring work plan and may be amended with MMD approval". Please specify that FMI will propose changes to the seed mix no less than 60 days before seeding occurs.

GOVERNOR
Susana Martinez



DIRECTOR AND SECRETARY
TO THE COMMISSION
Alexandra Sandoval

DEPUTY DIRECTOR
Donald L. Jaramillo

STATE OF NEW MEXICO
DEPARTMENT OF GAME & FISH

One Wildlife Way, Santa Fe, NM 87507
Post Office Box 25112, Santa Fe, NM 87504
Tel: (505) 476-8000 | Fax: (505) 476-8123
For information call: (888) 248-6866

www.wildlife.state.nm.us

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Las Cruces

9 June 2016

David J. (DJ) Ennis, P.G., Permit Lead
Energy, Minerals and Natural Resources Department
Mining and Minerals Division (MMD)
1220 South St. Francis Drive
Santa Fe, New Mexico 87505

RE: Request for Comments on Modification 16-2, Freeport-McMoRan Chino Mines Company, Chino Mine, Grant County, New Mexico, Permit No. GR009RE; NMDGF No. 17088.

Dear Mr. Ennis,

In response to your letter dated 2 May 2016, the New Department of Game and Fish (Department) has reviewed the above referenced project. Freeport-McMoRan Chino Mines Company (FMI) is proposing to modify Permit GR009RE Revision 01-01 to reduce the wildlife monitoring frequency listed in Section 8.N.3, and to modify the seed mix section of Appendix C for the Chino Mine, Grant County.

FMI requests that bird diversity surveys be conducted once between January and early February and once during the breeding season from late May to early June. They are also proposing that the surveys be conducted in year six after reseeding, and in two of the last four years prior to release of financial assurance. The Department recommends that the bird diversity surveys be conducted in years three and six after reseeding, and during two of the last four years prior to release of financial assurance.

FMI requests that deer pellet group counts are conducted once between late May and early June. They are also proposing that the deer pellet group count surveys be conducted in year six after reseeding, and in two of the last four years prior to release of financial assurance. Consistent with the bird diversity surveys, the Department recommends that the deer pellet group count surveys be conducted in years three and six after reseeding, and during two of the last four years prior to release of financial assurance.

FMI also proposes removing the following language from the permit:

"The Permittee shall establish wildlife habitat features such as rock and/or brush piles to promote floral and faunal diversity. The Permittee shall consult with the New Mexico Department of Game and Fish and may solicit input from other interested participants regarding the development of the work plan."

The Department recommends that the above language be retained. Properly constructed rock and brush piles diversify the habitat and have a positive effect in helping to attract wildlife into reclaimed areas by providing additional shelter and protection from predators.

FMI also proposes that the seed mix species list be included in the vegetation monitoring work plan (as opposed to the permit) and that it may be amended, depending on seed mix availability, with MMD approval. The Department would be willing to agree with this modification, with the proviso that any amended seed mix utilize only native species appropriate for the site.

Thank you for the opportunity to review and comment on your project. If you have any additional questions, please contact Ron Kellermueller, Mining and Energy Habitat Specialist at (505) 476-8159 or ronald.kellermueller@state.nm.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matt Wunder", is written over the word "Sincerely,".

Matt Wunder, Ph.D., Chief
Ecological and Environmental Planning Division

cc: USFWS NMES Field Office

Ennis, David, EMNRD

From: Ohori, David, EMNRD
Sent: Tuesday, June 21, 2016 4:46 PM
To: Ennis, David, EMNRD
Subject: RE: Chino Mod 16-2 - changes to seed mix and wildlife monitoring

DJ,

This is late, but here is what we wrote in the Little Rock updated closeout plan revision 14-1. It's not quite the same as what Chino is proposing.

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 consecutive 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 consecutive 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 Permittee shall submit to MMD, for approval, an updated wildlife monitoring work plan, identifying sampling methodologies and a map with proposed sampling locations at least 45 days prior to implementation of each wildlife monitoring survey. The Permittee shall perform the wildlife monitoring surveys in accordance with the MMD approved, updated wildlife monitoring work plan.

From: Ennis, David, EMNRD
Sent: Friday, April 29, 2016 4:30 PM
To: Crosley, Davena, EMNRD <Davena.Crosley@state.nm.us>; Ohori, David, EMNRD <david.ohori@state.nm.us>; Hollen, James, EMNRD <james.hollen@state.nm.us>; Eustice, Chris, EMNRD <chris.eustice@state.nm.us>; Shepherd, Holland, EMNRD <holland.shepherd@state.nm.us>
Subject: Chino Mod 16-2 - changes to seed mix and wildlife monitoring

I sent a request to NMDG&F and Forestry to review Mod 16-2 to Chino, which proposes to change the seed mix and wildlife monitoring frequency. I'd also appreciate your review of the modification, which is attached.

I've requested a response from the agencies within 30-days.

Thanks,
DJ