

State of New Mexico
Energy, Minerals and Natural Resources Department

Susana Martinez
Governor

Tony Delfin
Acting Cabinet Secretary

Fernando Martinez, Director
Mining and Minerals Division



7012 0470 0000 0881 7777

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 29, 2016

Mr. Jeffery Whidden, President
CR Minerals Company, LLC
P.O. Box 708
Ohkay Owingeh, NM 87566

RE: Transmittal of Documents: Permit Modification 16-1 to Permit No. RA004RE, Rocky Mountain Mine, CR Minerals Company, LLC.

Dear Mr. Whidden:

The Director of the New Mexico Mining and Minerals Division ("MMD") has signed Permit Modification 16-1 to Permit No. RA004RE for the Rocky Mountain Mine. A copy of the modification document is attached for your records. MMD will retain the signed original of this document in our files.

Please contact me at 505-476-3437 or Davena Crosley of my staff at 505-476-3425 or at davena.crosley@state.nm.us, if you have any questions in this matter.

Sincerely,

Holland Shepherd, Program Manager
Mining Act Reclamation Program ("MARF")
Mining and Minerals Division

Enclosures

cc: Fernando Martinez, Director, MMD
David Otori, Senior Reclamation Specialist, MARF
Davena E. Crosley, Permit Lead, MARF
Ed Dvorak, Vice President, CR Minerals Company
Robyn Tierney, Permits West, Inc.
Mine File (RA004RE)

COPY



**PERMIT MODIFICATION 16-1 TO PERMIT NO. RA004RE
ROCKY MOUNTAIN MINE
EXISTING MINING OPERATION**

**MINING AND MINERALS DIVISION
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT**

Permit Modification 16-1 to Permit No. RA004RE is issued by the Director of the Mining and Minerals Division (“MMD”) of the New Mexico Energy, Minerals and Natural Resources Department to:

CR Minerals Company, LLC
whose correct address is: P.O. Box 708
Ohkay Owingeh, NM 87566

(“Permittee”) for Rocky Mountain Mine, located in Rio Arriba County, New Mexico.

This permit modification reduces the post-mining surface elevations of approximately 231.5 acres in the BLM-East Permit Area by approximately 30 to 35 feet due to the removal and sale of pumicite overburden as aggregate. This modification does not require a change to the financial assurance.

The following sections of Permit No. RA004RE are added to read as follows:

Section 1 (16-1). STATUTES AND REGULATIONS

- A. This Permit modification is issued pursuant to the New Mexico Mining Act, NMSA 1978, §69-36-1, et seq. (1993, as amended through 2009) (“Act”) and New Mexico Mining Act Rules, Title 19, Chapter 10 of the New Mexico Administrative Code (“NMAC” or “Rules” or “Regulations”).
- B. This Permit modification is subject to the Act, the Rules, and any other regulations which are now or hereafter in force under the Act; and all such regulations are made a part of this Permit by this reference.

Section 2 (16-1). PERMIT APPLICATION PACKAGE

- 1) The permit application package for Modification 16-1 (“16-1 PMP”) consists of a written request from the Permittee, dated February 29, 2016, for the modification of the post-mining topography at the Rocky Mountain Mine.
- 2) Permit RA004RE Request for Modification 16-1 Rocky Mountain Mine, dated

COPY

Permit Modification 16-1
To Permit No. RA004RE
Page 2 of 5

February 29, 2016.

- 3) Response to Agency Comments on Application to Update the Closeout Plan, Modification 16-1, Permit RA004RE, Rocky Mountain Mine, dated July 11, 2016.
- 4) Electronic mail correspondence (“e-mail”) from Permits West Inc. on behalf of CR Minerals Company, dated July 28, 2016, including corrected seed mixture and corrected response to agency comment.

Section 3 (16-1).

PERMIT AREA AND DESIGN LIMITS

- A. The approved design limits (vertical dimension) are identified in the February 29, 2016 Permit RA004RE Request for modification 16-1 Rocky Mountain Mine, Figures 7, 8, and 9, and are subject to the reclamation standard of 19.10.5.507.A NMAC and 19.10.5.508 NMAC.

Section 4 (16-1).

FINDINGS OF FACT

The following subparagraphs are added to this section of Permit No. RA00RE:

- A. The Permittee has paid the permit modification fee of \$1000.00 as required by 19.10.2.201 NMAC.
- B. The application for permit modification has been reviewed in accordance with 19.10.5.505 NMAC. The application for permit modification is complete, accurate, and complies with the requirements for permit modifications under 19.10.5.505 NMAC.
- C. Pursuant to 19.10.5.505.B(1) NMAC, the proposed changes would not have a significant environmental impact.
- D. Pursuant to 19.10.5.505.B(2) NMAC, the application contained sufficient information to determine whether any of the factors listed in 19.10.5.505 NMAC are present.
- E. Pursuant to 19.10.5.505.B NMAC, the proposed change does not require public notice or the opportunity for public hearing.
- F. The director has consulted with the applicable state and federal agencies as required by 19.5.505.B(3) NMAC.

COPY

Permit Modification 16-1
To Permit No. RA004RE
Page 3 of 5

Section 9 (16-1).

GENERAL OBLIGATIONS AND CONDITIONS

- A. Grading and contouring shall be consistent with the post mining contours shown on Figure 7, Approximate Post Mining Topography at the Rocky Mountain Mine, Figure 8, Cross-sections A, B, and C (from Figure 7), and Figure 9, Cross-sections D, E, and F (from Figure 7) of the 16-1 PMP.
- B. The top (approximately) 9 inches of soil will be scraped and discretely stockpiled separate from the remaining 6-8 feet of soil-stained or weathered overburden. Top soil stockpiles shall be interim seeded with a seed mix approved by MMD. The remaining 6-8 feet of subsoil and weathered overburden will be stockpiled in the designated overburden stockpiles for use in reclamation as identified in Figure 2 of the Revision 11-1 PMP.
- C. A qualified botanist shall conduct presence/absence surveys for the state-listed Brack's hardwall cactus (*Sclerocactus cloverae* ssp. *Brackii*) and Great Plains ladies tresses (*Spiranthes magnicamporum*) during the appropriate flowering period of June 2017 on the BLM-East Permit Area.

Cultural and Paleontological Resource Preservation Requirements

- D. The Permittee shall comply with all other state and federal requirements and standards including without limitation the cultural Properties Act, NMSA 1978, Section 18-6-1 to 27 and regulations promulgated pursuant thereto.

Section 10 (16-1).

CONCLUSIONS OF LAW

- A. The Director has jurisdiction over the Permittee and the subject matter of this proceeding.
- B. The 16-1 PMP is complete, accurate, and complies with the requirements of the Act and Sections 19.10.5.502 NMAC, 19.10.5.503 NMAC and 19.10.5.505 NMAC.
- C. The 16-1 PMP is complete, accurate, and complies with the requirements of Section 19.10.5.505 NMAC. The Permittee is permitted pursuant to the New Mexico Mining Act to conduct mining and reclamation operations at the Rocky Mountain Mine, Rio Arriba County, New Mexico, upon the condition that the Permittee complies with the requirements of this Order, the Act, the Rules, Permit No. RA004RE, and all revisions thereof and modifications thereto.

All other provisions, modifications, and revisions for mining and reclamation contained in the Rocky Mountain Mine Permit No. RA004RE, remain unchanged.

COPY

Permit Modification 16-1
To Permit No. RA004RE
Page 4 of 5

CERTIFICATION

I certify that I have read, understand and will comply with the requirements of this Permit Modification.

[Signature]
Authorized Representative of the Permittee

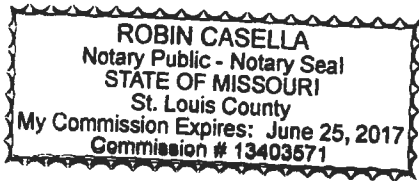
PRESIDENT
Title

CR MINERALS COMPANY
Company

Subscribed and sworn to before me this 3rd day of August, 2016
[Signature]
Notary Public

My Commission Expires

June 25, 2017



COPY

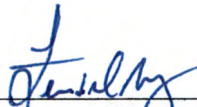
Permit Modification 16-1
To Permit No. RA004RE
Page 5 of 5

ORDER

NOW THEREFORE, IT IS HEREBY ORDERED that the Director approves Permit Modification 16-1 to the Rocky Mountain Mine – CR Minerals Company, LLC, Permit No. RA004RE, located in Rio Arriba County, New Mexico. The approval reduces the post-mining surface elevations of approximately 231.5 acres in the BLM-East Permit Area by approximately 30 to 35 feet.

By Order of the Director, Mining and Minerals Division, Energy, Minerals and Natural Resources Department, of the State of New Mexico.

Mining and Minerals Division

By: 
Fernando Martinez, Director
Mining and Minerals Division
Energy, Minerals and Natural Resources Department

DATED: 8/29/2016