



September 27, 2017

Ms. Shelly Lemon, Chief  
Surface Water Quality Bureau  
New Mexico Environment Department  
1190 St. Francis Dr.  
P.O. Box 5469  
Santa Fe, New Mexico 87502

RE: BLM Review and Concurrence with NMCC-Commissioned Surveys in the Area of the Copper Flat Pit, Sierra County, New Mexico

Dear Ms. Lemon,

I am writing to share with you the results of the Bureau of Land Management (BLM) review of New Mexico Copper Corporation (NMCC)-commissioned land surveys in the area of the current pit at Copper Flat.

Recall that NMCC noted an error in public GIS documents depicting the property boundary between public land and NMCC-owned property at the Copper Pit. This error placed the property boundary over one part of the existing pit lake, while NMCC's surveys placed the boundary approximately 300 feet to the west, which places the existing pit lake entirely on NMCC-owned private property. NMCC met with BLM on this topic and agreed to address this issue by engaging an independent registered land surveyor to prepare a property plat. During discussions, BLM also confirmed NMCC's understanding that the GIS maps available to the public do not necessarily reflect true boundary locations, and BLM thus requires that all boundaries be by survey.

The property plat for the pit area was completed and sealed by a registered land surveyor, recorded with Sierra County, and submitted to BLM for review. A scan copy of the sealed and recorded plat is enclosed for your information. BLM has reviewed the plat and has accepted the survey and platted location of the private property boundaries at the Copper Flat Pit. Please see the enclosed letter from Ida T. Viarreal, Land Law Examiner for the BLM dated September 13, 2017 and the accompanying map. As you will see, BLM has updated their Master Title Plats and have requested updates to the GIS layer for this area to conform to the findings of the NMCC survey.

The survey and plat confirm that the current pit body is entirely on private lands, as shown on the plat submitted to BLM. NMCC has proposed a design that will confine the surface of the water body in the future pit entirely to private lands.

It is our conclusion that the current and future pit water body will meet the exception in 20.6.4.7(S)(5) that excludes “private waters that do not combine with other surface or subsurface water, or any other water under tribal jurisdiction pursuant to Section 518 of the Clean Water Act.” We respectfully request that the Surface Water Quality Bureau review BLM’s conclusion and issue a determination that the current and future pit water will not be a “surface water of the state”. If you have further questions or would like to discuss this matter, please contact me at 520-991-4588 or [jsmith@themacresourcesgroup.com](mailto:jsmith@themacresourcesgroup.com).

Best regards,  
New Mexico Copper Corporation



Jeff Smith  
Chief Operating Officer

Attachments:

1. Copper Flat Boundary Survey Plat, March 1, 2017
2. BLM letter from Ida Viarreal, September 13, 2017
3. BLM Map Township 15 South, Range 7 West

CC: Douglas Haywood, Bureau of Land Management, Lands/Minerals Supervisor  
Leighandra Keevan, Bureau of Land Management, Geologist  
David Henney, Solv, LLC, Project Manager  
Brad Reid, New Mexico Environment Department, Groundwater Quality Bureau  
David Ennis, Energy, Minerals & Natural Resources Department, Mining & Minerals Division



## United States Department of the Interior

### BUREAU OF LAND MANAGEMENT

New Mexico State Office  
301 Dinosaur Trail  
P.O. Box 27115  
Santa Fe, New Mexico 87502-0115  
[www.blm.gov/nm](http://www.blm.gov/nm)



In Reply Refer To:  
3833 (NM9212-itv)

September 13, 2017

Jeff Smith  
Thermac Resources  
New Mexico Copper Corp.  
4253 Montgomery Blvd. NE suite 130  
Albuquerque, NM 87109

Dear Mr. Smith:

Based on your request we have review our records for the area of the Copper Flat Mine which is located in Township 15 S., Range 7 W., Sections 25, 26, 35 and 36.

We reviewed all the mineral surveys in the area and updated our Master Title Plats to insure that the status of the lands was noted correctly. We have also requested updates to the GIS layer for this area.

Enclosed is a revised Master Title Plat. I hope this clarifies the status of the lands in your area. We have also placed the survey completed by your surveyor in the mining claim case files and in the 3809 Plan casefiles.

If you have any questions, please call me at (505) 954-2163; facsimile at (505) 954-2079; or write to the attention of NM9212 at the BLM address above or e-mail to [iviarrea@blm.gov](mailto:iviarrea@blm.gov).

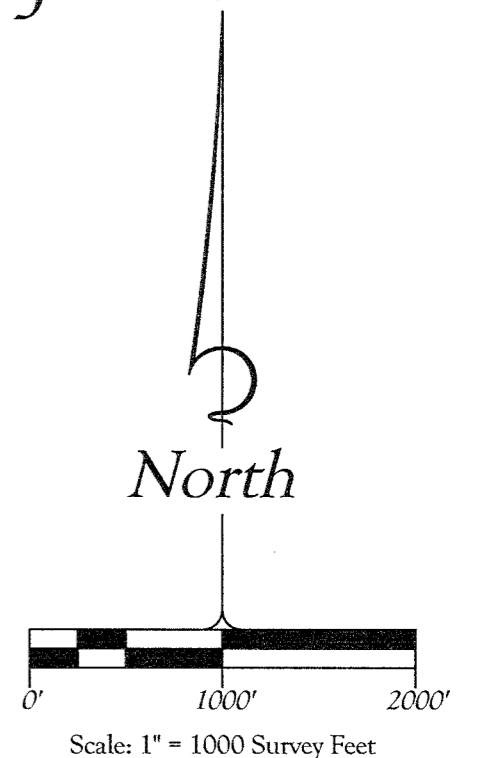
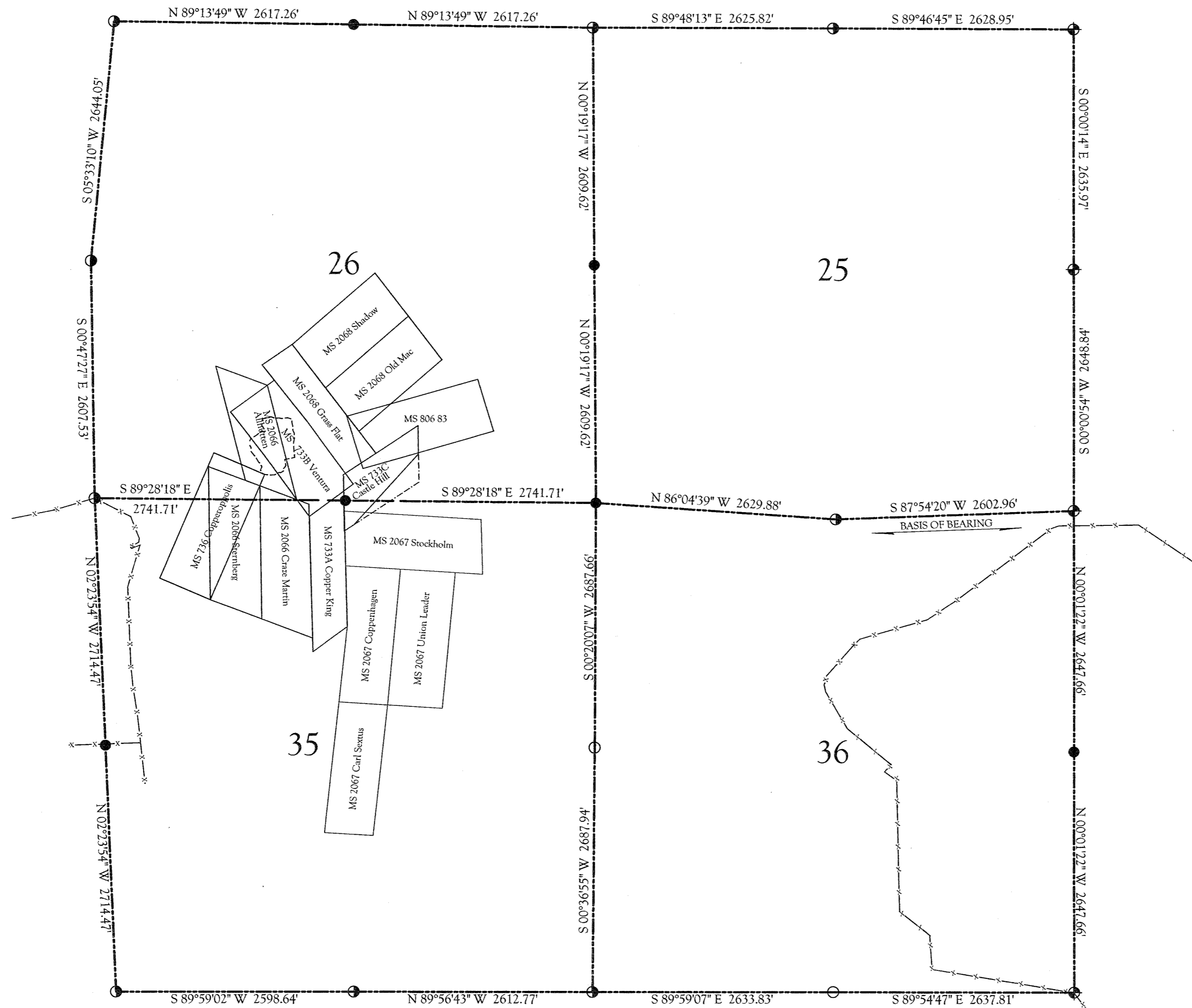
Ida T. Viarreal  
Land Law Examiner  
Solid Minerals Adjudication



# BOUNDARY SURVEY PLAT

Book 127  
Page 4193

Sections 25, 26, 35, 36 and Mineral Surveys 733A Copper King, 733B Ventura, 733C Castle Hill, 736 Copperopolis 806 83, 2066 Craze Martin, Sternberg, Allhutzen, 2067 Stockholm, Coppenhagen, Union Leader, Carl Sextus, 2068 Grass Flat, Shadow and Old man, Township 15 South, Range 7 West, of the New Mexico Principal Meridian  
Sierra County, New Mexico



**BASIS OF BEARING:**  
The South line of the SE 1/4 of section 25, T. 15 S., R. 7 W., N.M.P.M. bears S. 87°54'20\" W. and is monumented as shown hereon. All other bearings are relative thereto.

- LEGEND**
- Found 3 1/4" USGLO Brass Cap 1941. Added washer LS 7004.
  - Set 2 1/2" alum. cap on #6 rebar, 18" long - LS 7004.
  - USGLO stone, firmly set and properly marked. Added washer LS 7004.
  - Found 1 1/2" aluminum cap on a #5 rebar - LS 3516. Added washer LS 7004.
  - Found 2" aluminum cap on a 3/4" pipe - MS 2317. Added washer LS 7004.
  - X-X- Fence Line
  - - - - Pit lake edge.

- LIST OF REFERENCE PLATS & NOTES:**
- Original Survey T. 15 S., R. 7 W., N.M.P.M. approved February 3, 1882.
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**GENERAL NOTES:**

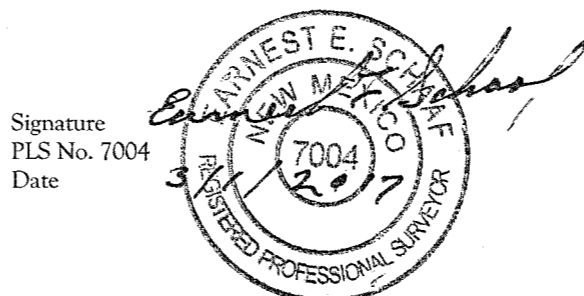
All fence lines shown hereon are for graphical purposes only. They may not be relied upon to establish property boundaries.

This survey was performed without the benefit of a title policy or commitment and does not constitute a title search by Southwest Land Surveying & Consulting.

**Note:**  
The Mineral Surveys and sectional data as shown on this plat were re-monumented using historic information by surveys performed by Gordon W. McLain, U.S. Mineral Surveyor and LS 4796.

**CERTIFICATE OF SURVEY:**

I, Earnest E. Schaaf, New Mexico Professional Land Surveyor No. 7004, do hereby certify that this BOUNDARY SURVEY PLAT and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the Minimum Standards for Surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief. I further certify that this survey is not a land division or subdivision as defined by the New Mexico Subdivision Act and that this instrument is a BOUNDARY SURVEY PLAT of an existing tract or tracts.



Signature \_\_\_\_\_  
PLS No. 7004  
Date \_\_\_\_\_

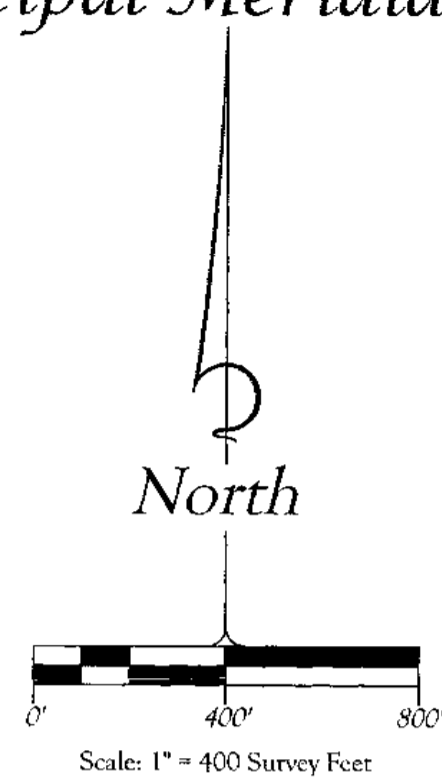
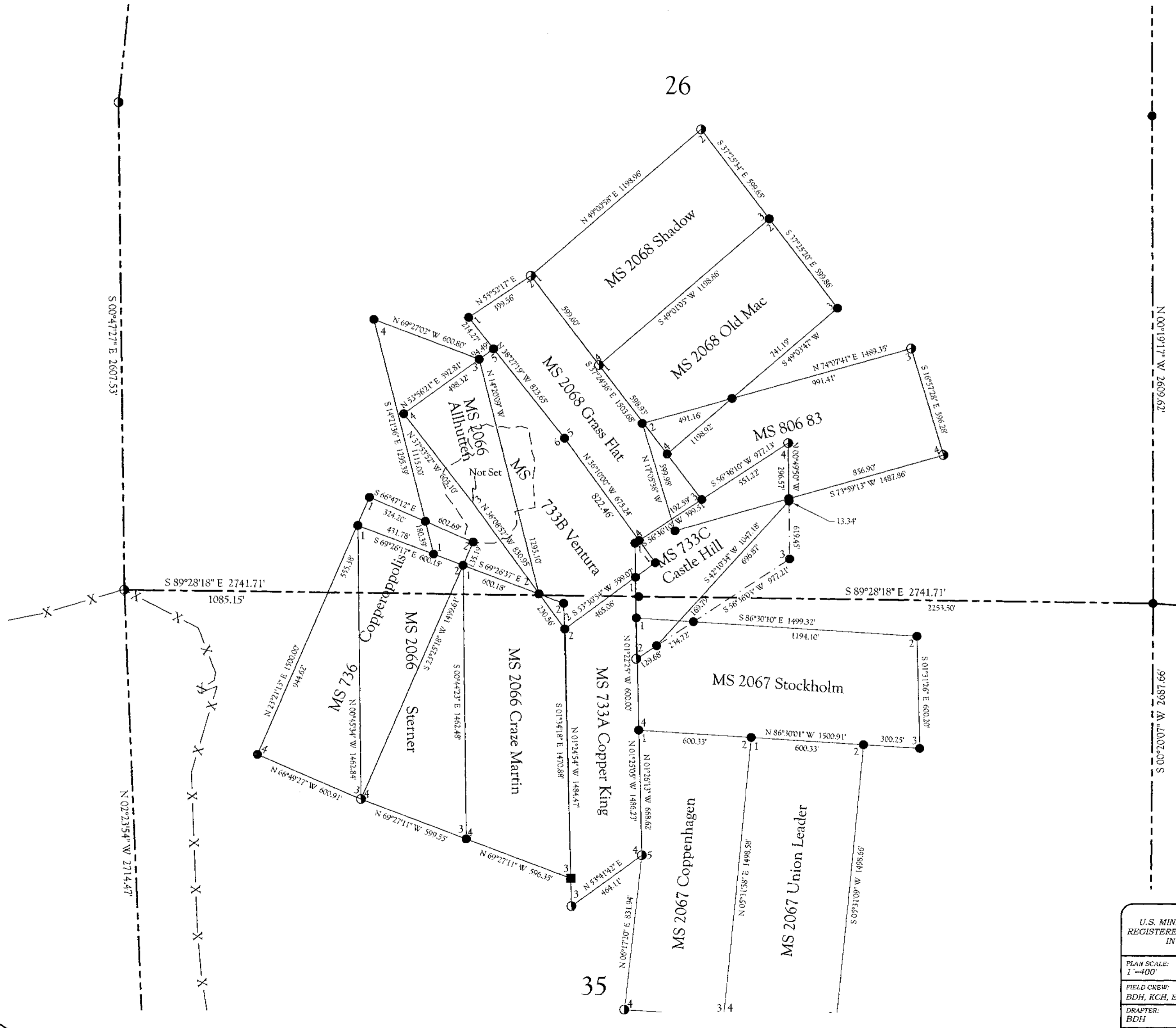
**LAND SURVEY DEPOSIT**  
Date \_\_\_\_\_  
Book \_\_\_\_\_ Page \_\_\_\_\_  
Deposit No. \_\_\_\_\_

U.S. MINERAL SURVEYORS REGISTERED LAND SURVEYORS IN COLORADO		<b>SOUTHWEST LAND SURVEYING &amp; CONSULTING</b> P.O. Box 563 Delta, CO 81416 (970) 387-0600...Silverton (970) 874-2880...Delta EMAIL: dhatter@tresources.us	
PLAN SCALE: 1"=1000' FIELD CREW: BDH, KCH, EES, TTS DRAFTER: BDH	REVISIONS: _____ _____ _____	<b>Boundary Survey Plat</b> Sections 25, 26, 35, 36 and Mineral Surveys 733A, 733B, 733C, 736, 806, 2066, 2067, 2068 T. 15 S., R. 7 W., N.M.P.M., Sierra County, New Mexico	<b>THEMAC RESOURCES</b> 4053 Montgomery Blvd., NE Suite 130 Albuquerque, New Mexico 87109
SHEET 1 of 3		PW: 1/18/17 JOB#: 25-16 NMCC	

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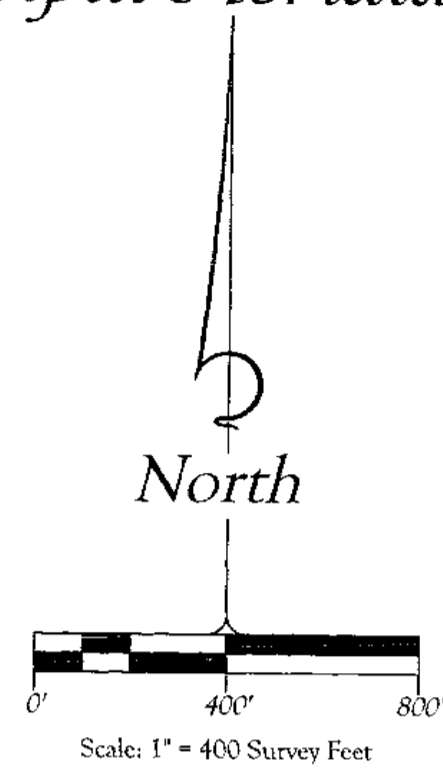
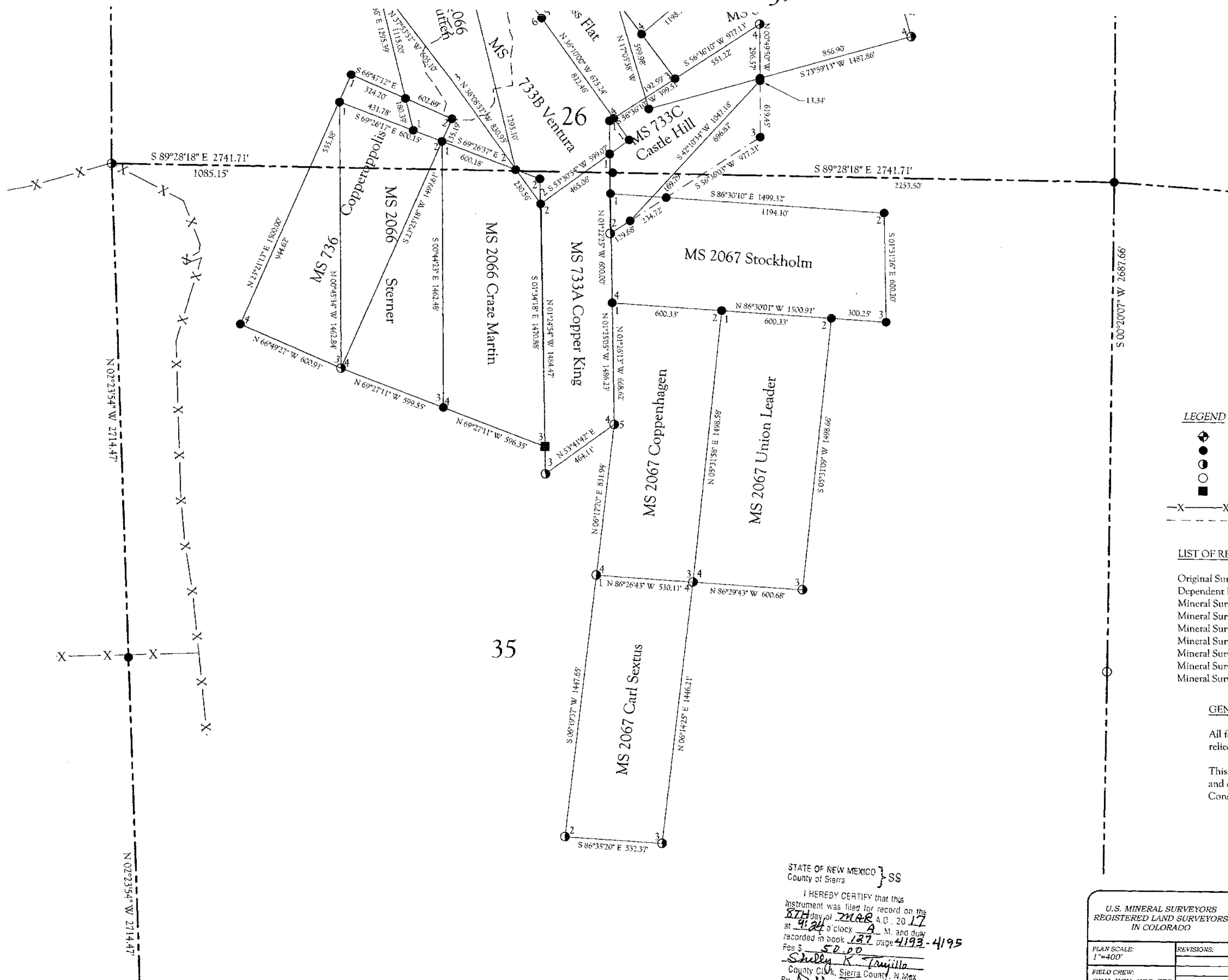
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FIELD CREW: BDH, KCH, EES, TTS	DRAFTER: BDH	SHEET 2 of 3	FW: 1/18/17 JOB #: 25-16 NMCC

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Deposit No. \_\_\_\_\_

STATE OF NEW MEXICO } SS  
County of Sierra }  
I HEREBY CERTIFY that this instrument was filed for record on the 8TH day of MAR A.D. 2017 at 9:24 o'clock A. M. and duly recorded in book 127 page 4193-4195  
Fee \$ 50.00  
Shelly K. Lavilla  
County Clerk, Sierra County, N.Mex  
By Darryl Inscoe Deputy

U.S. MINERAL SURVEYORS REGISTERED LAND SURVEYORS IN COLORADO		SOUTH WEST LAND SURVEYING & CONSULTING P.O. Box 563 Delta, CO 81416 (970) 387-0600...Silverton (970) 874-2880...Delta EMAIL: dthatter@tcrresources.us	
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