

State of New Mexico
Energy, Minerals and Natural Resources Department

Susana Martinez
Governor

Ken McQueen
Cabinet Secretary

Matthias Sayer
Deputy Cabinet Secretary

Fernando Martinez, Director
Mining and Minerals Division



November 20, 2017

Ms. Katie Emmer
New Mexico Copper Corporation
4253 Montgomery Blvd NE, Suite 130
Albuquerque, NM 87109

RE: Additional Technical Comments on:

- **Updated Mining Operation and Reclamation Plan, Revision 1, July 2017;**
 - **Response for Additional Information dated October 13, 2017;**
- Copper Flat Mine, Sierra County, Permit Tracking No. SI027RN**

The Mining and Minerals Division ("MMD") has reviewed the *Updated Mining Operation and Reclamation Plan, Revision 1 July 2017* ("Updated MORP, R1"), *New Mexico Copper Corporation's ("NMCC") Response to NM MMD's April 21st, 2017 Technical Comments*, and *NMCC's Response for Additional Information packet dated October 13, 2017*.

The October 13, 2017 submittal consists of two documents: *Open Pit Reclamation/Revegetation Plan* (dated October 2017) and *Technical Memorandum: Literature Review of Wildlife Use of Mine Pit Walls* (dated September 25, 2017) prepared by GeoSystems Analysis, Inc. These documents were submitted as addendums to the overall Permit Application Package ("PAP") for the Copper Flat Mine. MMD reserves the right to provide NMCC with additional comments on these and other PAP documents submitted to date.

MMD has these additional technical comments:

1. NMCC's Item #32 response comment states that rip-rap for reclamation may be sourced from EWRSP-2(A) and EWRSP-2B. NMCC's baseline data report shows that EWRSP-2A and EWRSP-2B can contain high sulfide/low paste pH material, therefore MMD has concerns about the proposal to utilize these piles as a source for rip-rap. A detailed material handling plan describing how clean rip-rap would be tested, identified and segregated from these piles would be required as a future permit condition in order to proceed with this proposal. Alternatively, NMCC may wish to eliminate this proposal from the reclamation plan and source rip-rap from the TSF salvaged material and/or proposed andesite breccia quarry at the WRSP-3 location. Please address.
2. Plan for reclamation/revegetation of the 4900 expanded catch bench. As proposed, this bench will not be contiguous with other reclaimed areas within the pit. Please address the possibility of performing some additional reclamation to connect the 4900 expanded catch bench to the haul road reclamation.
3. Appendix E, Section 2.5.2:
 - a. Please identify where the land bridge material will be placed at closure when removed from Grayback arroyo.

- b. The majority of the plant area is proposed to be covered with 6 inches of growth media, however the slopes along the perimeter of the plant area will be graded to a slope of 3.0H1V and covered with 36 inches of growth media. Please explain why the slopes are proposed to be covered with 36 inches of growth media while majority of the regraded plant area will be covered with 6 inches of growth media.
4. In Appendix E, Table E6, please describe or identify on a map the facility identified as "West Pit Buildup" and what this buildup entails. Is this buildup associated with EWRSP-1 reclamation?
5. The structure(s) to the south of the proposed tailings impoundment currently utilized as the Copper Flat mine office do not appear to be included in the MORP Rev 1. Please address the final disposition of these buildings at closure.
6. The New Mexico Department of Game and Fish has provided comments on NMCC's October 13, 2017 submittal, which is attached and shall be addressed by NMCC.

Please submit this required information within 30-days. If you have any questions or wish to discuss any of these comments, please contact me at (505) 476-3434 or by email at david.ennis@state.nm.us.

Sincerely,



David J. ("DJ") Ennis, P.G.
Reclamation Specialist/Permit Lead

cc: Holland Shepherd, Mining Act Program Manager
Brad Reid, NMED Permit Lead

Ennis, David, EMNRD

From: Kellermueller, Ronald, DGF
Sent: Thursday, October 26, 2017 2:59 PM
To: Ennis, David, EMNRD
Subject: RE: Copper Flat submittal

DJ,

The NM Department of Game and Fish (Department) supports the potential habitat value of pit highwalls as part of the post-mining reclamation plan. However, in order for vertical pit highwalls to provide adequate wildlife habitat they need to contain habitat features that attract wildlife species which utilize cliffs for nesting and shelter. Verticality alone does not create adequate cliff habitat for wildlife. The Department recommends that pit highwalls are enhanced by design features that are of value to wildlife. These would include; creating ledges, niches, alcoves, and horizontal holes on the cliff face for nesting raptors and other bird species that utilize ledges and cavities, and by placing rock piles along the toe of the highwall that mimics talus slopes for small mammals and reptiles.

In addition, the Department suggests extending the "Expanded 4900 Catch Bench" as far as it technically feasible, so that it would gently slope into the pit and be submerged after the rapid-fill process is complete. This would create a littoral zone in the pit lake and allow for the establishment and growth of aquatic plants and would further enhance its value as wildlife habitat.

If you have any questions, please feel free to contact me.

Yours Truly, Ron

From: Ennis, David, EMNRD
Sent: Thursday, October 12, 2017 4:36 PM
To: Kellermueller, Ronald, DGF
Subject: Copper Flat submittal

Hi Ron,

New Mexico Copper has submitted this response (http://www.emnrd.state.nm.us/MMD/MARP/documents/2017-10-12RFAIOnRevision1toMORP_CopperFlatMine_SI027RN.pdf) to MMD's request for additional information regarding their updated Mining and Reclamation Plan (Revision 1, July 2017). MMD requests DG&F review of this document pursuant to 19.10.6.605 NMAC. Please provide any comments you may have by close-of-business November 3, 2017.

Best,
DJ

DJ Ennis, P.G.

*Mining and Minerals Division / 1220 S. St. Francis Drive / Santa Fe, NM 87505
(505) 476-3434 / david.ennis@state.nm.us*