

State of New Mexico  
Energy, Minerals and Natural Resources Department

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**Susana Martinez**  
Governor

**Ken McQueen**  
Cabinet Secretary

**Matthias Sayer**  
Deputy Cabinet Secretary

**Fernando Martinez, Director**  
Mining and Minerals Division



June 29, 2018

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

**RE: Technical Comment on NMCC Response Regarding Hydrologic Balance, Copper Flat Mine, Sierra County, Permit Tracking No. SI027RN**

The Mining and Minerals Division ("MMD") has reviewed the *Executive Summary of Probable Hydrologic Consequences & Predictive Geochemical Modeling of Pit Lake Water Quality Reports*, dated May 2018, and has the following comment regarding the hydrologic balance performance standard (19.10.6.603.C.4) NMAC:

1. MMD believes a statistical performance standard for demonstrating hydrologic balance under 19.10.6.603.C(4) is appropriate upon conclusion of a 30 year post-closure monitoring period for pit water quality. MMD proposes the following performance standard:

To obtain the release of financial assurance, in part, the post-closure pit lake water quality samples shall be less than the upper limit of a 95% confidence interval of pre-mining pit water quality. In addition to this statistical evaluation of part of the hydrologic balance, other qualitative and quantitative factors shall be considered.

This is similar to MMD's revegetation performance standard in 19.10.6.603.G(2)(a) NMAC. Please provide comment on whether NMCC believes this would be an achievable performance standard for demonstration of hydrologic balance.

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](mailto:david.ennis@state.nm.us).

Sincerely,

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

cc: Holland Shepherd, Mining Act Program Manager