

**PERMIT MODIFICATION 20-1 TO PERMIT NO. GR030ME
CHEMICAL LIME MINE AND MILL
EXISTING MINIMAL IMPACT MINING OPERATION**

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

This Permit Modification 20-1 (“Permit Modification”) to Permit No. GR030ME is issued by the Director of the Mining and Minerals Division (“MMD”) of the New Mexico Energy, Minerals and Natural Resources Department to:

Whose correct address is: Lhoist North America (“Lhoist”)
Chemical Lime Mine and Mill
2900 W. Horizon Ridge Pkwy, Ste 120
Henderson, NV 89052

(“Permittee”) for the Chemical Lime Mine and Mill, located in Grant County, New Mexico.

This Permit Modification:

- A. Approves the Reclamation Plan for the Mill Site Area of the Chemical Lime Mine and Mill Site.

In order to accomplish the approval contemplated by this Modification 20-1, the following subparagraphs are added to Permit No. GR030ME:

Section 1 (20-1). 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 2019) (“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 Revision 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 (20-1). PERMIT APPLICATION PACKAGE (“PAP”)

- A. *Lhoist North America Mathis Lime Plant, Grant County, New Mexico, Lime Plant Reclamation Plan, April 2020*
- B. *Lhoist North America of Arizona, Inc. – Chemical Lime Mine Site Permit Tracking No.*

GR030ME, Modification 20-1 Application, May 29, 2020

- C. Revised Application: *Lhoist North America, Mathis Lime Plant, Grant County, New Mexico, Lime Plant Reclamation Plan, August 2020*

Section 3 (20-1). **PERMIT AREA AND DESIGN LIMITS**

- A. The Chemical Lime Mine and Mill is situated on United States Forest Service (“USFS”) land near Hanover, NM. The Permittee is authorized to conduct reclamation operations only on those lands that are specifically designated and authorized as the permit area. The permit area encompasses portions of Sections 17, 18, 19 and 20, Township 17 South, Range 12 West in Grant County, New Mexico as delineated in the June 14, 1999 Permit Application Package (“PAP”). Modification 20-1 approves reclamation of the Mill Site Area delineated in Figure 3 of Appendix A of the Modification 20-1 PAP. The Mill Site Area covers approximately 16.3 acres of the total mine site.

Section 4 (20-1). **FINDINGS OF FACT**

The Permit Application Package

- A. The PAP is complete and demonstrates that the proposed operation will meet the performance and reclamation standards and requirements of §19.10.5.507.A NMAC.
- B. The Permittee has paid the Permit Modification fee of \$250.00 as required by §19.10.2.201.G NMAC.
- C. The PAP has been reviewed in accordance with §19.10.5.505 NMAC and has been determined to be a Modification. The PAP is complete, accurate, and complies with the requirements of §19.10.5.505 NMAC.
- D. The proposed operations and reclamation, as described in the PAP and this Permit, will meet the requirements of reclamation, as identified in §19.10.1.7.R(1) NMAC of the Rules. The reclamation plan, subject to the conditions in the Permit, demonstrates that the reclamation of the disturbed areas within the Permit Area will result in a condition that allows for the establishment of a self-sustaining ecosystem within the Permit Area that is appropriate for the life zone of the surrounding areas.

Right-To-Enter / Property Access Information

- E. The Permit does not grant or create any property rights. Nor does MMD, by issuing this Permit or otherwise, make any comment on the surface or mineral rights that the Permittee may or may not have in the area covered by the Permit. Permittee is solely responsible to

take whatever steps are necessary to ensure that Permittee has property rights sufficient to support the activities contemplated by the Permit.

General Information Regarding the Permittee

- F. The Permittee is not in violation of the terms of another permit issued by the Director or in violation of a substantial environmental law or substantive regulation at another mining operation, has not forfeited or had forfeited financial assurance in connection with another mining, reclamation or exploration permit, and has not demonstrated a pattern of willful violations of the Act, the Rules or other New Mexico environmental statutes.
- G. The Permittee has signed and certified a statement, provided within the Application, that the Permittee agrees to comply with the requirements of this Permit, the Rules, and the Act, and allows the Director to enter the Permit Area for the purpose of conducting inspections.

MMD's Request for Comments to the Agencies

- H. MMD provided the cooperating agencies (the New Mexico Environment Department, the Department of Game & Fish, and the United States Forest Service) with a copy of the Application pursuant to §19.10.5.505.B(3) NMAC and requested comments from the agencies on June 3, 2020.
- I. MMD provided the Permittee with comments provided by MMD and the cooperating agencies on July 13, 2020.

Section 5 (20-1). COMPLIANCE REQUIREMENTS

- A. The Permittee shall conduct mining, exploration, and reclamation operations only as described in the approved Modification 20-1 PAP, the Permit, and any revisions or modifications approved by the Director.
- B. This Permit Modification is issued pursuant to NMSA 1978, Section 69-36-1 et. seq. and Title 19, Chapter 10 NMAC. Permittee may be required to comply with other federal, State, county or local laws or ordinances before or while undertaking the activity that is the subject of this Permit Modification. MMD does not, by issuing this Permit Modification or otherwise, make any comment on Permittee's compliance with such other laws. It is Permittee's sole responsibility to investigate and comply with the requirements of such other laws.
- C. The approval of this Permit Modification does not relieve Permittee from the responsibility of complying with other state and federal requirements and standards.

- D. The Permit Modification does not grant or create any water rights. Nor does MMD, by approving this Permit Modification or otherwise, make any comment on the water rights that the Permittee may or may not have available for use in the area covered by the Permit Modification. Permittee is solely responsible and obligated to comply with all State and federal laws related to water rights sufficient to support the activities contemplated by the Permit Modification.
- E. Future submittals required by this Permit shall be presented in electronic form in addition to written form to the Director for approval.

Section 6 (20-1).

GENERAL OBLIGATIONS AND CONDITIONS

- A. The conditions outlined in this section are required for the Permittee to meet certain requirements of the Rules. The conditions for Modification 20-1 are required to mitigate the disturbances within the Chemical Lime Mine and Mill and provide for stabilization of the Chemical Lime Mine and Mill that will minimize future impact to the environment and protect air and water resources in accordance with §19.10.1.7.R(1) NMAC.
- B. This Permit approves the Mill Site Reclamation Plan as found in the Modification 20-1 PAP and is subject to the following conditions:
 - 1. The Permittee will provide MMD with vegetative reference area results and vegetative success criteria for the reclaimed area within 90 days after completion of surface recontouring activities.
 - 2. The Permittee will provide MMD with a construction completion report within 90 days after all reclamation activities have been completed in the mill site area.
 - 3. All reclamation work conducted under Modification 20-1 must be coordinated through and approved by the United States Forest Service.
 - 4. As requested by the USFS, only include in the seed mix; 15 lbs/acre each of the following species in the reclamation seed mix: Curley Mesquite, Side-Oats Grama, Green Sprangletop, and Blue Grama.

Section 7 (20-1).

CONCLUSIONS OF LAW

- A. The Director has jurisdiction over the Permittee and the subject matter of this proceeding.
- B. The Modification 20-1 PAP is complete, accurate, and complies with the requirements of the Act and Section §19.10.5.505 NMAC and with conditions described in this Permit

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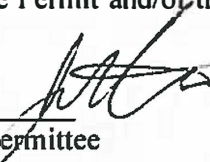
Modification document.

- C. The Modification 20-1 PAP is complete, accurate, and complies with the requirements of Section §19.10.5.505 NMAC. The Permittee, Lhoist North America, is permitted pursuant to the New Mexico Mining Act to conduct reclamation operations at the Chemical Lime Mine and Mill, Grant County, New Mexico, upon the condition that the Permittee complies with the requirements of this Order, the Act, the Rules, Permit No. GR030ME, and all modifications thereof and Modifications thereto.

All other provisions, Revisions, and Modifications for mining and reclamation contained in the Chemical Lime Mine and Mill Permit No. GR030ME, remain unchanged.

CERTIFICATION

I certify that I have read, understand and will comply with the requirements of this Permit, this Permit Modification, the Act, the Rules, including without limitation that I will allow the Director to enter the Permit Area as required by the Permit and/or the Rules and/or as otherwise required by law.

Justin Andrews 
Authorized Representative of the Permittee

Regional Environmental Manager
Title

Choist North America
Company

Subscribed and sworn to before me this 4 day of December, 2020

Denise Tate
Notary Public

My Commission Expires


January 15, 2022



ORDER

NOW THEREFORE, IT IS HEREBY ORDERED that the Director approves Permit Modification 20-1 to the Chemical Lime Mine and Mill – Lhoist North America, Permit No. GR030ME, located in Grant County, New Mexico. This approval is for the Reclamation Plan of the Mill Site Area as described in the Modification 20-1 PAP.

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

By: 

Jerry Schoeppner, Director
Mining and Minerals Division
Energy, Minerals and Natural Resources Department

Date: 12/4/2020

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