



**State of New Mexico**  
**ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT**  
**and the**  
**ENVIRONMENT DEPARTMENT**

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**Michelle Lujan Grisham**  
Governor

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Lieutenant Governor

**Sarah Cottrell Propst**  
Cabinet Secretary, EMNRD

**James C. Kenney**  
Cabinet Secretary, NMED

**Electronic Transmission**

July 12, 2021

Sherry Burt-Kested, Manager  
Environmental Services  
Freeport-McMoRan Chino Mines Company  
P.O. Box 10  
Bayard, NM 88023

**Re: Agency Response to FMI Chino Proposed Schedule Related to Work Plans for Continental Mine Borrow and Test Plots Studies, MMD No. GR002RE and NMED DP-1403**

Dear Ms. Burt-Kested,

The Energy, Minerals and Natural Resources Department, Mining and Minerals Division (MMD) and the New Mexico Environment Department (NMED) reviewed the Freeport-McMoRan Chino Mines Company – Continental Mine (FMI Chino) June 10, 2021 letter responding to comments (RTC) [conditions of approval] and proposing a new schedule (Proposed Schedule). The RTCs and Proposed Schedule halt test plot construction under the April 21, 2021 work plan entitled *Borrow and Test Plot Studies for Carbonate Reclamation Cover Materials* (Work Plan).


Overall, the agencies concur with significant changes and tasks in the Proposed Schedule to reset the Work Plan with a goal of construction in Spring of 2022. The agencies disagree with several counter points provided in the FMI Chino RTCs, which responded to conditions of approval. Rather than address each issue in this letter, the agencies will review the revised Work Plan to be submitted no later than November 30, 2021.

In order to formalize the numerous changes to the additional studies required by the MMD permit No. GR002RE and DP-1403, the following is required:

1. FMI Chino must submit a revised Work Plan for test plot studies and borrow materials investigation no later than November 30, 2021.
2. FMI Chino must submit a check for \$1000 to MMD for the modification of permit No. GR002RE.
3. The permit language references a cover study and borrow investigation that focus on the Hanover Mountain Colorado formation material instead of the East Waste Rock Facility carbonate rock and tailing blends as is currently proposed for cover material. The permit language and deliverables will be modified in permit No. GR002RE and will be processed as Modification 21-2.
4. Provide a brief update at a one-hour meeting during the week of November 1, 2021. This meeting will discuss any preliminary findings, draft data and what will likely be different in the Revised Work Plan of November 2021 compared to the previous Work Plans.

Please contact respective MMD and NMED permit leads Kevin Myers at 505-490-0726 and Anne Maurer at 505-660-8878 with any questions regarding permitting issues for the Continental Mine.

Sincerely,



Anne Maurer  
Mining Environmental Compliance Section  
Ground Water Quality Bureau - NMED

Kevin Myers  
Mining Act Reclamation Program  
Mining and Minerals Division-EMNRD

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