

State of New Mexico  
Energy, Minerals and Natural Resources Department

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**Michelle Lujan Grisham**  
Governor

**Sarah Cottrell Propst**  
Cabinet Secretary

**Todd E. Leahy, JD, PhD**  
Deputy Cabinet Secretary

**Jerry Schoeppner PG, Director**  
Mining and Minerals Division



August 13, 2021

Frank Bain  
2425 Chof Trail  
Flagstaff, AZ 86005

**RE: Exploration Permit Renewal Approval; Lordsburg Playa Exploration Project,  
Permit No. HI018EM-R1**

Dear Mr. Bain:

The New Mexico Mining and Minerals Division (“MMD”) received a letter dated July 31, 2021, from Frank Bain (“Permittee”), requesting renewal of the Lordsburg Playa Exploration Project, Permit No. HI018EM. This letter acknowledges the renewal of the Minimal Impact Exploration Permit for the Lordsburg Playa Exploration Project, Permit No. HI018EM. The permit number designated for the renewal will be HI018EM-R1. The Permittee is authorized to conduct mineral exploration and reclamation operations only on those lands that are specifically designated and authorized within the permitted area (“Permit Area”) and exploration activities shall be limited to the locations identified in the PAP.

The Permit Area is located approximately thirteen (13) miles southwest of Lordsburg, New Mexico, north of I-10, on federal lands managed by the BLM, within Sections 12,13,14, Township 23 South, Range 21 West and Section 7 Township 23 South, Range 20 West, in Hidalgo County, New Mexico, and is designated as the permit area shown on the map within the PAP titled: *Lordsburg Lithium Project Access Map*, dated March 31, 2020. Based on your renewal request, it is our understanding that the Permittee proposes to continue explorations as previously approved, without a significant modification or change in operations.

**Findings of Fact:**

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1. The application for renewal is complete and demonstrates that the renewal of the permit will continue to meet the requirements of reclamation, as identified in Section 19.10.4.405.C of the New Mexico Mining Act Rules (“the Rules”).
2. The Permittee has paid the permit application fee in the amount of \$500.00, as determined by Part 2 of the Rules.
3. The Permittee has no outstanding violations of the New Mexico Mining Act or 19.10 NMAC.
4. The Permittee has provided a joint BLM-MMD reclamation bond for surface and subsurface financial assurance (“FA”), in accordance with 43 CFR 3809 and §19.10.12.1201.A NMAC, in the amount of \$17,400 (seventeen thousand, four-hundred dollars), for one borehole, drill pad, and access route disturbance. Financial Assurance has been provided by the Permittee in the form of a Chase Bank Cashier’s Check # 9084021901, dated July 8, 2020 in the amount of \$17,400.00. The Cashier’s Check is being held by the BLM in a cash account in accordance with §19.10.12.1208 D. NMAC.
5. The Permittee has acknowledged that there has been no change in the amount of proposed disturbance within the proposed permit area or any changes to the plan of operations described in Permit No. HI018EM.
6. The Permittee has provided, as part of the PAP, a signed statement indicating that Permittee agrees to comply with the reclamation requirements of the permit, Part 3 of the Rules, and the New Mexico Mining Act (the Act) and allows the Director to enter the permit area, without delay, for the purpose of conducting inspections during exploration and reclamation.
7. This 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; only that the Permittee has provided a statement of basis on which the Permittee has a right to enter the property to conduct mining and reclamation. 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.
8. This Permit does not grant or create any water rights. Nor does MMD, by issuing this Permit 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. 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.
9. Since portions of the permit area is on Federal Lands managed by the BLM, the expiration, or termination, of the BLM’s authorization to conduct operations on the property automatically suspends the permittee’s authority to continue mining operations

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on the property, although not necessarily reclamation operations required by this permit. The BLM has acknowledged the Permittee's Notice of Intent ("NOI") and has authorized the Permittee to conduct operations on the property pursuant to the current BLM Plan of Operations.

10. This Permit 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. MMD does not, by issuing this Permit 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.
11. The Permittee shall comply with all requirements, obligations and conditions and shall conduct mining and reclamation operations at the Lordsburg Playa Exploration Project only as described within approved Permit No. HI018EM, originally approved on July 20, 2020.
12. This permit renewal R1 is valid until July 20, 2022, which is two years from the expiration date of the original permit [19.10.405.4.A (1) NMAC]. In addition, at the end of the project you will need to file a termination report based on the requirements of Section 407 of the Rules. If you decide to continue exploration activities beyond that period, you must renew the permit at least 30 days before the date of expiration [19.10.4.405.C (2) NMAC].

If you have any questions, please contact Clint Chisler of my staff, at (505) 467-9589 or via e-mail at: [clinton.chisler@state.nm.us](mailto:clinton.chisler@state.nm.us).

By Order of the Director,



Jerry Schoeppner PG  
Director  
Mining and Minerals Division

**cc:** Holland Shepherd, Program Manager, MARP  
Joseph Navarro, Division of Multi-Resources, Las Cruces District Office, BLM  
Bryan Victor, State Land Office Minerals Manager  
File No. HI018EM