



1. *Modification Application for Quarry Design Limit Expansion at GCC Rio Grande Tijeras Mine and Mill (Permit BE001RE)*, dated June 10, 2021;
2. *BE001RE Modification 21-2 Application Comment Response*, dated September 2, 2021;
3. Amended 3<sup>rd</sup> Party Guarantee for the Tijeras Mine and Mill, Permit No. BE001RE, in the amount of \$7,889,985.75, dated October 8, 2021.
4. Rider to Traveler's Casualty and Surety Company of America, Surety No. 106336638 in the amount of \$2,674,238.25, dated October 1, 2021

**Section 3 (Modification 21-2).**

**PERMIT AREA AND DESIGN LIMITS**

- A. The increased quarry design limit for Mod. 21-2 is shown in Attachment A of *BE001RE Modification 21-2 Application Comment Response*, dated September 2, 2021
- B. The resource extraction size in acres for the new units associated with Mod. 21-2 are shown in table format in section 4.1 of the *Modification Application for Quarry Design Limit Expansion at GCC Rio Grande Tijeras Mine and Mill (Permit BE001RE)*, dated June 10, 2021;

**Section 4 (Modification 21-2).**

**FINDINGS OF FACT**

- A. The Permittee has paid the permit modification fee of \$1,000.00 as required by §19.10.2.201 NMAC.
- B. The application for permit modification has been reviewed in accordance with §19.10.5.505 NMAC and has been determined to be a modification in accordance with §19.10.5.505.B and §19.10.5.505.B(1) NMAC.
- C. Pursuant to §19.10.5.505.B(2) NMAC, the application for permit modification was accompanied by sufficient information for the Director to determine whether any of the factors listed in §19.10.5.505 NMAC are present.
- D. Pursuant to §19.10.5.505.B(3) the Director has consulted with the applicable state agencies including State Forestry Division, New Mexico Department of Game and Fish, Historic Preservation Division, New Mexico Environment Department, and the Office of the State Engineer.
- E. Pursuant to §19.10.5.505.C NMAC, the application for permit modification was in a format acceptable to the Director.

- F. Pursuant to §19.10.5.505.D NMAC, the permit modification meets the requirements of §19.10.5.508 NMAC (“New Unit Standards”).

*Financial Assurance and Instrument*

- H. The financial assurance for Modification 21-2 is in the form of Surety Bond No. 106336638, issued by Traveler’s Casualty and Surety Company of America in the amount of \$2,674,238.25 and Amended 3<sup>rd</sup> Party Guarantee in the amount of \$7,889,985.75.

*New Units*

- I. All new disturbance described in Mod. 21-2 found in Section 4.1 of the *Modification Application for Quarry Design Limit Expansion at GCC Rio Grande Tijeras Mine and Mill (Permit BE001RE)*, dated June 10, 2021, and Appendix A of *BE001RE Modification 21-2 Application Comment Response*, dated September 2, 2021 will be considered New Units and will fall under the reclamation requirements of §19.10.5.508 NMAC

**Section 5 (Modification 21-2).**

**COMPLIANCE REQUIREMENTS**

- A. The Permittee shall conduct mining and reclamation operations only as described in the approved 21-2 PMP, the Permit, and any revisions or modifications approved by the Director.
- B. This permit Mod. 21-2 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 revision. MMD does not, by issuing this permit revision 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 Permittee shall maintain all environmental permits required for the permit area. Revocation or termination of such a permit or the forfeiture of financial assurance related to such a permit is adequate grounds for the Director to issue a cessation order pursuant to §19.10.5.509.C and §19.10.11 NMAC.
- D. Permit Mod. 21-2 does not grant or create any water rights. Nor does MMD, by approving this permit revision 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 revision. 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 revision.

**Section 6 (Modification 21-2).**      **GENERAL OBLIGATIONS AND CONDITIONS**

The conditions outlined in this section are required for the Permittee to meet certain requirements of the Rules. The specifications contained in this Section may be modified in final engineering design with MMD approval.

- A.      Approximately 210.17 acres of the disturbance described under Mod. 21-2 is subject to the reclamation standards of §19.10.5.508 NMAC (“New Units”). These areas are described in the PMP in Section 4.1 of the *Modification Application for Quarry Design Limit Expansion at GCC Rio Grande Tijeras Mine and Mill (Permit BE001RE)*, dated June 10, 2021, and Appendix A of *BE001RE Modification 21-2 Application Comment Response*, dated September 2, 2021.

*Cultural Resources*

- B.      The Permittee shall comply with all other state and federal requirements and standards as applicable, including without limitation any applicable requirements of the Cultural Properties Act, NMSA 1978, Section 18-6-1 to 27 and regulations promulgated pursuant thereto.

*Construction Quality Assurance / Construction Quality Control*

- C.      The Permittee shall submit a final design and construction quality assurance/construction quality control (“CQA/CQC”) plan to MMD for approval not less than 180 days prior to proposed commencement of reclamation and shall implement the plan after MMD approval. If applicable, the design will include detailed engineering designs addressing slopes, surface erosion controls and stormwater management structures for MMD approval. The CQA/CQC plan shall include: a description of work to be conducted and identification of borrow areas. Design specifications may be modified during the final engineering design with MMD approval.
- D.      The Permittee shall submit a final CQA/CQC report to MMD not more than 180 days after reclamation construction completion. This report shall provide summaries of the quality assurance data, documenting that the project was completed according to the approved final design and CQA/CQC plan with significant exceptions explained. The report shall include a summary of work conducted, as-built drawings, soil testing results, laboratory analytical reports, and quality assurance data for out-slopes, covers and for stormwater management structures. The final report shall provide a final topographic map with no greater than two-foot contour intervals for the top surfaces and no greater than five feet for out-slopes, and construction photographs.

*Financial Assurance*

- E. The Permittee shall maintain adequate financial assurance for the Modification 21-2 *Increase in Design Limit* in the amount of \$1,195,049 with MMD as the sole beneficiary. With the approval of Mod. 21-2 the total amount of FA for the Tijeras Mine and Mill will be \$10,564,224.

**Section 7 (Modification 21-2).**

**CONCLUSIONS OF LAW**

- A. The Director has jurisdiction over the Permittee and the subject matter of this proceeding.
- B. The Mod. 21-2 PMP is complete, accurate, and complies with the requirements of the Act and Sections §19.10.5.502 NMAC and §19.10.5.503 NMAC and with conditions described in this Permit Revision document.
- C. The Mod. 21-2 PMP is complete, accurate, and complies with the requirements of Section §19.10.5.505 NMAC. The Permittee is permitted, pursuant to the New Mexico Mining Act, to conduct mining and reclamation operations at the Tijeras Mine and Mill, Bernalillo Co. County, New Mexico, upon the condition that the Permittee complies with the requirements of this Order, the Act, the Rules, and Permit No. BE001RE and all revisions thereof and modifications thereto.

All other provisions, modifications, and revisions for mining and reclamation contained in the Tijeras Mine and Mill Permit No. BE001RE, 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.

  
\_\_\_\_\_  
Authorized Representative of the Permittee

Plant Manager / Ramses Maldonado  
Title

GCC Rio Grande  
Company

Subscribed and sworn to before me this 26 day of October, 2021

  
\_\_\_\_\_  
Notary Public

My Commission Expires


January 30, 2022



OFFICIAL SEAL  
**LAURA M. BRAVO**  
NOTARY PUBLIC - State of New Mexico  
My Commission Expires 1-30-22

**ORDER**

NOW THEREFORE, IT IS HEREBY ORDERED that the Director approves Permit Modification 21-2 to the Tijeras Mine and Mill, Permit No. BE001RE, located in Bernalillo County, New Mexico. The approval is for the increase in the design limit to facilitate the expansion of New Units at the Tijeras Mine and Mill and associated Financial Assurance. By Order of the Director, Mining and Minerals Division, Energy, Minerals and Natural Resources Department, of the State of New Mexico.

By:   
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Jerry Schoepner PG, Director  
Mining and Minerals Division  
Energy, Minerals and Natural Resources Department

Date: 11/16/2021