



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

Michelle Lujan Grisham
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Electronic Transmission

October 14, 2022

Daniel Lattin, Sr. Closure Program Manager
LAC Minerals (USA) LLC
Cunningham Hill Mine Reclamation Project
582 County Road 55
Cerrillos, NM 87010

Re: Conditional Approval, Waste Rock Pile Workplan Design Package, Cunningham Hill Mine Reclamation Project, MMD Permit No. SF002RE and NMED DP-55

Dear Mr. Lattin,

The New Mexico Environment Department (NMED), Mining Environmental Compliance Section (MECS) and the Energy, Minerals and Natural Resources Department (EMNRD), Mining and Minerals Division (MMD) (collectively, the agencies) have reviewed the May 27, 2022 submittal entitled *Waste Rock Pile Workplan Design Package* (Design Package) and subsequent submittals responding to agency comments on August 5, 2022 and September 12, 2022, from LAC Minerals (USA) LLC (LAC) for the Cunningham Hill Mine Reclamation Project. The Cunningham Hill Mine Reclamation Project is regulated by NMED pursuant to DP-55 and AP-27 and by MMD pursuant to Permit No. SF002RE.

The agencies hereby approve the Design Package and subsequent August 5, 2022 response to agency comments and September 12, 2022 design revision, provided that the following conditions are addressed:

1. The agencies conducted a site inspection on September 14, 2022 to walk the face of the waste rock pile and identify any significant erosion features prior to the Design Package approval. Areas with rill and sheet erosion and small pockets of exposed waste rock were identified during the inspection. The agencies will require that LAC perform maintenance activities such as rill repair, sheet erosion fill, and adequate cover placement on areas with exposed waste rock within 60 days of this letter. Additionally, the agencies will require a summary of the work completed on the waste rock pile to the agencies within 14 days of work completion.

2. All bench regrading and seeding activities will be completed by July 1, 2023, to allow optimal timing for seed germination and vegetation establishment after earthwork is complete. The agencies will require an as-built report for this work within 30 days of work completion.
3. The agencies will require the submittal of an effectiveness evaluation of the cover system on the waste rock pile and planned repairs as outlined in the Design Package two years after the Design Package has been implemented (July 1, 2025). This effectiveness evaluation will assist the agencies in determining the effectiveness of the repairs on the east channel, benches, and outcrops and provide a general discussion on the performance of the waste rock pile. The report should include, at a minimum, the grade of the benches, a survey of the east channel, and a new evaluation of cover depth across the face of the waste rock pile. It should also identify any deficiencies, such as exposed waste rock or rill/sheet erosion.

The agencies will further address concerns regarding the cover system on the waste rock pile and related financial assurance through the ongoing Permit No. SF002RE Revision 20-1 process to update the Closure/Closeout Plan.

Please contact respective MMD and NMED permit leads Carmen Rose at (505) 216-8399 and Anne Maurer at (505) 660-8878 with any questions regarding permitting issues for the Cunningham Hill Mine Reclamation Project.

Sincerely,



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

Carmen Rose
Mining Act Reclamation Program
Mining and Minerals Division - EMNRD

cc: Joe Fox, Acting Program Manager, NMED-MECS (joseph.fox@state.nm.us)
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