

Cunningham Hill Mine (Permit No. SF002RE)

Public Hearing Fact Sheet

Permit Revision 20-1 Application

November 2, 2022

Mining & Minerals Division (MMD)
1220 S. St. Francis Dr.
Santa Fe, NM 87505

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Cunningham Hill Mine Permitting Information: <https://www.emnrd.nm.gov/mmd/mining-act-reclamation-program/pending-and-approved-mine-applications/mining-applications-regular-existing/sf002re-lac-minerals-cunningham-hill-revision-20-1/>

The New Mexico Mining Act Rules: <https://www.srca.nm.gov/chapter-10-non-coal-mining/>

Purpose of this hearing:

- MMD is holding this Public Hearing pursuant to the NM Mining Act Rules (19.10.9.904 NMAC)
- MMD will consider all public comments from the Public Hearing in its review of the Permit Revision 20-1 Application and will accept written comments through the end of the hearing record (determined by the Hearing Officer)
- LAC Minerals LLC (mine operator) submitted an application in October 2020 to update the Closure/Closeout Plan (CCP), or reclamation plan, because the original CCP had not accurately predicted the pit lake elevation in the open pit
- This application was amended in October 2021 to include a request for a pit waiver and draft cost estimates for remaining reclamation activities at the mine site
 - The cost estimate provides anticipated costs required to complete all remaining reclamation activities at the mine site by a third-party contractor
 - An application for a pit waiver is allowed under 19.10.5.507.B if reclamation is considered “technically or economically infeasible or is environmentally unsound”, but LAC must demonstrate that obtaining a pit waiver will result in compliance with all other applicable environmental regulations and standards

Next Steps in the Permitting Process:

- MMD is currently reviewing the application in accordance with the New Mexico Mining Act and the New Mexico Mining Act Rules
 - Consultation with other state agencies will continue
 - MMD will post all applicable information relating to the Revision 20-1 Application on the MMD website
- LAC will be required to obtain an Environmental Determination from the New Mexico Environment Department (NMED) (19.10.5.506.J(5) NMAC) “stating that the application has demonstrated that the activities to be permitted or authorized will be expected to achieve compliance with all applicable air, water quality, and other environmental standards”
- If the MMD Director finds that the Revision 20-1 Application is technically approvable, a financial assurance instrument proposal will be submitted to MMD and NMED for review
- Financial assurance will be jointly held between MMD and NMED for all remaining reclamation activities

