



LAC

LAC MINERALS (USA) LLC

March 9, 2023

Anne Maurer

M.S. Groundwater Engineer
New Mexico Environment Department
Ground Water Quality Bureau
1190 St. Francis Dr.
Santa Fe, NM 87502

Carmen Rose

Sr. Reclamation Specialist
Mining and Minerals Division
Mining Act Reclamation Program
1220 S. St. Francis Drive
Santa Fe, NM 87505

**RE: Cunningham Hill Mine Reclamation Project
MMD Permit No. SF002RE and NMED DP-55
Response to Joint Agency Conditional Approval of the Waste Rock Pile Workplan
Design Package**

Dear Ms. Maurer and Ms. Rose,

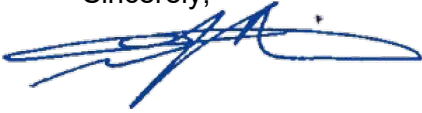
The New Mexico Environment Department (NMED), Mining Environmental Compliance Section (MECS) and the Energy, Minerals and Natural Resources Department (EMNRD), Mining and Minerals Division (MMD) (the agencies) provided conditional approval of the May 27, 2022 submittal entitled Waste Rock Pile Workplan Design Package (Design Package) and subsequent submittals responding to agency comments on August 5, 2022 and September 12, 2022 in a letter dated October 14, 2022. The purpose of the Design Package is to reduce Acid Rock Drainage (ARD) flow from the Interceptor Wall. This Design Package supplements east groin channel repairs that were made in April 2021. As indicated in the 2022 Monitoring Data Review to Evaluate the Effectiveness of the Grouted Interceptor Wall, Waste Rock Pile (WRP) source controls are effective as evidenced by de minimis ARD flow since repairs to the WRP east groin channel were made in April 2021.

In the October 14, 2022 Conditional Approval Letter, Condition 2 in the letter states "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." LAC Minerals (USA) LLC (LAC) advises that regrading of the benches is unwarranted at this time as the current source controls are effectively performing as intended evidenced by de minimis ARD flow. Furthermore, regrading of the benches would remove over two decades of established vegetation which would likely increase infiltration through the cover resulting in ARD flow.

LAC proposes that the regrading project to reduce ARD flow from the Interceptor Wall collection system be postponed until such a time where there is measurable ARD flow from the Interceptor Wall collection system to be reduced that would warrant intrusive work on an established cover system.

If you have questions or comments, please contact me at (775) 397-7215 or dlattin@barrick.com.

Sincerely,

A handwritten signature in blue ink, appearing to read 'DLATTIN', with a stylized flourish extending to the left.

Daniel Lattin, P.E.
Sr. Closure Program Manager

ec: Joe Fox
Holland Shepherd
Brad Bingham
Eric Burch
Adam Arguello
Allison Brown
Steven Finch
Jeffrey Samson
Elizabeth Rudolf
Jon Indall
Eric Jantz
Tom Parker
Ross Lockridge