

State of New Mexico
Energy, Minerals and Natural Resources Department

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Governor

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Deputy Secretary

Mike Tompson, Acting Director
Mining and Minerals Division



Electronic Transmission

March 16, 2023

Mr. Thomas L. Shelley, Reclamation Manager
Freeport-McMoRan Tyrone Inc.
P.O. Box 571
Tyrone, NM 88065

RE: Additional Comments on the Application for Modification 22-1 to Little Rock Mine, Permit No. GR007RE; and Modification 22-1 to Tyrone Mine, Permit No. GR010RE; Freeport-McMoRan Tyrone Inc.

Dear Mr. Shelley:

The New Mexico Mining and Minerals Division (MMD) received a letter from Freeport-McMoRan Tyrone Inc. (Tyrone), dated February 10, 2023 (Tyrone Response Letter), responding to comments that MMD and other state agencies had regarding the applications for Modification 22-1 to the Little Rock Mine, Permit No. GR007RE and the Tyrone Mine, Permit No. GR010RE (herein referred to as the Applications). The Applications request that MMD approve the Little Rock Precambrian granite as Reclamation Cover Material (RCM) for reclamation at the Little Rock Mine and the Tyrone Mine, respectively, and request that MMD approve the termination of the USNR Test Plot Study.

MMD has reviewed the Tyrone Response Letter and received comments from the New Mexico Environment Department (NMED) on March 10, 2023. NMED's comment letter is attached. MMD provides the following comments, with comment numbers corresponding to the responses in the Tyrone Response Letter.

MMD Comments

1. This response is acceptable to MMD.
2. MMD appreciates Tyrone's willingness to perform additional sampling on the 9A/9AX Stockpiles and USNR Test Plots. As documented in email correspondence dated February 19, 2023, MMD approves Tyrone's proposed date of March 31, 2023 to submit a Sampling and Analysis Plan (SAP) for the 9A/9AX and USNR test plots. While survey data (soils and vegetation) collected on both the USNR reclamation and the USNR Test Plots will be informative, MMD is requesting that the surveys and data reported be independent of one another to remain consistent with previous vegetation surveys and data reporting for the

RE: Additional Comments on the Application for Modification 22-1 to Little Rock Mine, Permit No. GR007RE; and Modification 22-1 to Tyrone Mine, Permit No. GR010RE; Freeport-McMoRan Tyrone Inc.

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USNR Test Plots. MMD recommends organizing a technical meeting between MMD and Tyrone staff to discuss the SAP, including constituents to be sampled and number/locations of samples, prior to this submittal date. Because the Little Rock Precambrian granite material, proposed for use as cover, is run-of-mine overburden, it becomes even more important that soil suitability of this material is evaluated.

To echo the NMED Mining Environmental Compliance Section's (MECS) comments, MMD will require that a reclamation cover material handling plan for Little Rock Precambrian Granite for the next Little Rock Mine, Permit No. GR007RE and Tyrone Mine, Permit No. GR010RE Closure/Closeout Plan update be submitted to both MMD and NMED for joint agency approval. This reclamation cover material handling plan will ensure that the Little Rock Precambrian Granite continues to meet the suitability criteria as mining continues at the Little Rock Pit.

3. As stated above, while vegetation survey data collected on both the USNR reclamation and the USNR Test Plots will be informative, MMD is requesting that the vegetation surveys and data reported be independent of one another to remain consistent with previous vegetation surveys and data reporting for the USNR Test Plots.

Please review NMED's comments and respond to both NMED and MMD's comments above within 30 days of receipt of this letter. If you have any questions, please contact me at (505) 216-8399 or at carmen.rose@emnrn.nm.gov.

Sincerely,



Carmen Rose

Mining Act Reclamation Program ("MARF")
Mining and Minerals Division

Attachment: 2023 0310 NMED Comment Letter Tyrone and Little Rock Modifications 22-1

CC: Raechel Roberts, Environmental Scientist II, Tyrone Mine
Holland Shepherd, MARF Program Manager
Brad Reid, Mining Environmental Compliance Section (MECS), NMED GWQB
Anne Maurer, MECS, NMED GWQB
Joseph Navarro, U.S. BLM, Las Cruces District Office
Allyson Siwik, Executive Director, Gila Resources Information Project
Mine Files (GR007RE and GR010RE)



Electronic Transmission

MEMORANDUM

Date: March 10, 2023

To: Holland Shepherd, Program Manager, Mining Act Reclamation Program

Through: Anne Maurer, Mining Act Team Leader, Mining Environmental Compliance Section (MECS)

From: Brad Reid, MECS
John Moeny, Surface Water Quality Bureau (SWQB)
Roseanne Sanchez, Air Quality Bureau (AQB)

Subject: **New Mexico Environment Department (NMED) Comments, Response to Comments, Freeport-McMoRan Tyrone Operations, Tyrone Mine and Little Rock Mine, Regular Existing Mines, Reclamation Cover Material Approval, Modifications 22-1, Grant County, New Mexico, New Mexico Mining Act Permit No. GR007RE and GR010RE**

The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) on January 11, 2023, requesting that NMED review and provide comments on the above-referenced MMD permitting actions. Pursuant to the Mining Act, these are regular existing mines. Given the requests for both the Tyrone and Little Rock Mines are for approval of the same source of proposed Reclamation Cover Material (RCM), NMED is combining the comments for both Mining Act permitting actions in one response. MMD requested comments on the application within 45 days of receipt of the request for comments. NMED requested an extension to submit comments by March 10, 2023. NMED has the following comments.

Background

Freeport-McMoRan Tyrone Mine Operations (Permittee) is requesting approval of the Little Rock Mine Precambrian granite waste rock as RCM for use in reclamation at both the Tyrone and Little Rock Mines. In addition, the Permittee is requesting termination of the UNSR test plot program.

Mr. Holland Shepherd
Tyrone and Little Rock Mines, Modifications 22-1
March 10, 2023

Air Quality Bureau

The Air Quality Bureau comments are attached.

Surface Water Quality Bureau

The Surface Water Quality Bureau has no comments.

Mining Environmental Compliance Section

MECS has the following comments:

1. Based on a review of the Application for Modification 22-1 dated August 2, 2022, the December 21, 2022 Response to Comments letter and the February 10, 2023 Response to Additional Comments letter from the Permittee to MMD, multiple statements are made as follows:

“Tyrone is aware of the conditions cited and has provided characterization data that indicate 9A and 9AX materials meet the criteria if managed similarly to the techniques used at the USNR test plots and reclamation area.” – from the December 21, 2022 letter.

“There are significant volumes of suitable cover material in all the Precambrian granite stockpiles available for future reclamation of nearby leach and waste rock that require a 3-foot cover. To give perspective, less than 25% of the currently available volume in Precambrian granite stockpiles would be needed to cover nearby stockpiles that are within a practical haul distance. Using an appropriate material handling plan, this quantity of cover material can easily be generated from these stockpiles.” – from the February 10, 2023 letter

“The PCG materials can be managed with regard to rock content to meet the Copper Rule for water holding capacity.” – from Modification Application 22-1 dated August 2, 2022

The statements above imply that the material may require additional handling to ensure that it will meet both Copper Mine Rule and Mining Act requirements for cover suitability. Please discuss how this material will be handled (i.e., mechanical segregation, screening, etc.) prior to or during cover placement.

2. Consideration should be made as to whether a reclamation cover material handling plan should be submitted as part of the next update to the Closure/Closeout Plan. There may be a need for addressing how cover material will be handled at closure and prior to submittal of the CQA/CQC plan for final cover design required by Paragraph (4) of 20.6.7.33.FNMAC.

NMED Summary Comment

As stated in C109 of DP-1341, final RCM approval is subject to a demonstration that Copper Mine Rule requirements will be met, and concurrence from MMD that requirements of the Mining Act will be met.

Mr. Holland Shepherd

Tyrone and Little Rock Mines, Modifications 22-1

March 10, 2023

If you have any questions, please contact Anne Maurer at (505) 660-8878.

cc: Carmen Rose, Permit Lead, EMNRD-MMD
Joseph Fox, Program Manager, NMED-MECS
Shelly Lemon, Bureau Chief, NMED-SWQB
Elizabeth Bisbey-Kuehn, Bureau Chief, NMED-AQB



MEMORANDUM

DATE: February 21, 2023

TO: Anne Maurer, Mining Act Team Leader, Mining Environmental Compliance Section, NMED

FROM: Rosanne Sanchez, Manager, Small Business Environmental Assistance Program, Air Quality Bureau.

RE: Response for Additional Comments on the Applications for Modification 22-1 to Little Rock Mine, Permit No. GR007RE; and Modification 22-1 to Tyrone Mine, Permit No. GR010RE

The New Mexico Air Quality Bureau (AQB) has completed its review of the above-mentioned mining project. Pursuant to the New Mexico Mining Act Rules, the AQB provides the following comments.

Details

In letters dated August 2, 2022 and August 17, 2022, Freeport-McMoRan Tyrone, Inc. (Tyrone) applied for modifications to Little Rock permit GR007RE and Tyrone permit GR01 ORE for the approval of Precambrian granite as reclamation cover material (RCM) and the termination of the USNR Test Plot Study. On November 21, 2022, Tyrone received comments from the Mining and Minerals Division (MMD) and other agencies on the applications. In a letter dated December 21, 2022, Tyrone responded to the agency comments. In a letter dated January 11, 2023, Tyrone received additional comments from MMD on the applications and data provided. This letter is in response to that comment letter.

Recommendation

The Air Quality Bureau has no objection to these comments.

This written evaluation does not supersede the applicability of any forthcoming state or federal regulations.

If you have any questions, please contact me at 505 629 3938