

State of New Mexico  
Energy, Minerals and Natural Resources Department

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**Michelle Lujan Grisham**  
Governor

**Sarah Cottrell Propst**  
Cabinet Secretary

**Todd E. Leahy, JD, PhD**  
Deputy Secretary

**Albert Chang, Director**  
Mining and Minerals Division



**Electronic Transmission**

June 5, 2023

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

**RE: Conditional Approval of the Sampling and Analysis Plan 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 Sampling and Analysis Plan for the 9A/9AX Waste Rock Stockpiles and USNR Test Plots (SAP) from Freeport-McMoRan Tyrone Inc. (Tyrone), dated March 31, 2023, responding to comments that MMD had regarding the applications for Modification 22-1 to the Little Rock Mine, Permit No. GR007RE and the Tyrone Mine, Permit No. GR010RE. MMD sent a letter requesting additional information on the SAP on April 21, 2023, and received responses from Tyrone on May 18, 2023 (Tyrone's Response).

MMD has reviewed Tyrone's Response and remains concerned that ocular estimates of the rock fragment greater than three inches in diameter are not being verified through screening. MMD will approve the SAP on the following conditions:

1. Tyrone must provide official verification that the ocular estimates of the rock fragment are accurate using larger screening methods, such as a grizzly or screening plant. Tyrone will submit these results to MMD in the final report.
2. Tyrone must verify bulk density of the fine earth fraction of the sampled material and use that sampled bulk density value to calculate total rock fragment. Tyrone will submit these results to MMD in the final report.

If you have any questions, please contact me at (505) 216-8399 or at [carmen.rose@emnr.dnm.gov](mailto:carmen.rose@emnr.dnm.gov).

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Sincerely,

A handwritten signature in blue ink, appearing to read "Carmen Rose".

Carmen Rose

Mining Act Reclamation Program ("MARP")

Mining and Minerals Division

CC: Raechel Roberts, Environmental Scientist II, Tyrone Mine  
DJ Ennis, MARP Program Manager  
Brad Reid, Mining Environmental Compliance Section (MECS), NMED GWQB  
Joseph Navarro, U.S. BLM, Las Cruces District Office  
Mine Files (GR007RE and GR010RE)