

State of New Mexico
Energy, Minerals and Natural Resources Department

Michele Lujan Grisham
Governor

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Cabinet Secretary

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Deputy Cabinet Secretary

Albert Chang, Director
Mining and Minerals Division



Electronic Transmission

June 13, 2023

Erich J. Bower, President, and General Manager
Freeport-McMoRan Tyrone Inc.
P.O. Box 571
Tyrone, NM 88065

RE: MMD Comments on the Closure/Closeout Plan, Tyrone Mine Emma Expansion Project, Revision 21-1, Permit No. GR010RE

Dear Mr. Bower,

The New Mexico Mining and Minerals Division (MMD) is currently processing an application to revise Permit No. GR010RE, Tyrone Mine and Mill (Revision 21-1) operated by Freeport-McMoRan Tyrone Operations (Tyrone). Revision 21-1, referred to as the Emma Pit Expansion, proposes to mine a new open pit unit and develop three new stockpiles. MMD has received and sent a number of technical comment/response letters from Tyrone regarding Revision 21-1, all of which can be found on our website at: <https://www.emnrd.nm.gov/mmd/mining-act-reclamation-program/pending-and-approved-mine-applications/mining-applications-regular-existing/gr010re-tyrone-revision-21-1>.

On August 16, 2022, a public hearing was held for Revision 21-1, and MMD received written post-hearing comments from the Gila Resources Information Project (GRIP), members of the public, and Tyrone. MMD sent these post-hearing comments to the New Mexico Office of the State Engineer (NMOSE) and the New Mexico Environment Department (NMED) on October 21, 2022, and received comments back from both agencies (attached).

MMD has reviewed the NMOSE, NMED, and post-hearing comments, and is requesting additional information as a result. MMD is still reviewing the Revision 21-1 application and subsequent responses from Tyrone, including the hydrogeologic report dated October 22, 2021, and received by MMD on December 1, 2021, for technical completeness. MMD met virtually with Tyrone on several of the remaining technical comments on May 11, 2023 and June 6, 2023. Please review and respond to the attached NMED and NMOSE comment letters. In addition, please respond to the following items from MMD:

MMD Comments

CCP (November 12, 2021)

1. Section 3.2, *EMW Waste Stockpile*, page 16 does not include discussion on stormwater controls with respect to run-off into Oak Grove Wash. Please explain how run-off will be controlled to minimize erosion into Oak Grove Wash during operations.
2. Section 3.4, *Soil Stockpile*, page 17 describes the use of BMPs such as *silt berms and created from grubbed brush and rock to capture sediment and reduce soil loss from the stockpile...* As described in the MMD Soil and Cover Material Suitability Guidelines, MMD will require mulching of the soil stockpile (either from the grubbed vegetation or commercially available certified weed-free straw or wood mulch) after seeding with the interim seed mix.
3. Section 5.1.2.2, *Conditionally Waived Area*, page 25 states that approximately 5.9 acres of the 6HW Waste Stockpile will be located within the conditionally waived area and will not be subject to meeting a PMLU or self-sustaining ecosystem. MMD will require that the 6HW Waste Stockpile be reclaimed where feasible from a safety standpoint within the conditionally waived area. As previously discussed in a comment letter from Tyrone dated June 9, 2022, pursuant to Condition 9.E of Revision 09-1 to the Tyrone Mine Permit No. GR010RE, Tyrone will update the Conditional Waiver Area annually during the construction of the 6HW Waste Stockpile.
4. Section 5.2.2, *Planned Closure/Closeout Activities*, page 26, discusses the planned reclamation activities within the Emma Pit. Drawing 004 in Appendix A-1 shows flat areas within the Main North Area that are not planned to have any cover material placed. Please provide a map depicting the predicted areas with PAG pit walls and benches at closure.

As this Permit Revision 21-1 proposes to develop a New Unit open pit subject to §19.10.5.508 NMAC requirements, MMD requests that Tyrone provides additional information on best management practices and most appropriate technologies that could be used to reclaim the Emma Pit. Specifically, MMD will require that Tyrone provide a feasibility analysis for covering exposed PAG material in the haul road and relatively flat areas in the Main North pit at reclamation prior to approval of the Closeout Plan. Tyrone must demonstrate that reclamation of the open pit will assure protection of wildlife to the extent possible using best management practices and most appropriate technologies, pursuant to §19.10.5.508.A and §19.10.5.508.B(2) NMAC, which includes restricting access of wildlife from harmful material as a result of mining.

5. Table 7-1, Proposed Interim Seed Mix includes yellow bluestem, a non-native species to North America. As was done with Revision 20-1 to the Little Rock Mine, Permit No. GR007RE, MMD requests that this species be removed from the seed mix, along with any other non-native species to the southwest US region.

6. MMD has met with Tyrone several times to discuss the reclamation cover material to be used at the Emma Pit Expansion project and has provided written comments on the NPAG overburden to be excavated from the Emma Pit in a previous comment letter dated April 25, 2021.
 - a. For the purpose of this Revision 21-1, MMD will require that Tyrone provide a plan and financial assurance (FA) to address placing a minimum of 6 inches of salvaged soil and 6 inches of Gila Conglomerate reclamation cover material over reclaimed areas exempt from meeting the requirements of the Copper Mine Rule (i.e. NPAG waste rock backfill within the Emma Pit and the EMW waste stockpile). A minimum of three feet of Gila Conglomerate will be required on the 6HW waste stockpile at closure as this stockpile covers PAG material. MMD will require that Tyrone provide the approximate volume of the salvage soil stockpile annually to verify that there is enough material available at reclamation.
 - b. Please note that Emma Pit overburden is not approved reclamation cover material at this time, and MMD does not consider it the same as Little Rock Precambrian granite overburden until Tyrone has adequately demonstrated its similarity through testing and analysis to MMD. MMD is currently processing two applications (Modifications 22-1) to approve Little Rock Precambrian Granite overburden as reclamation cover material at the Little Rock (Permit No. GR007RE) and Tyrone (Permit No. GR010RE) Mines. MMD will assess the Emma Pit overburden material as reported through the Materials Characterization and Handling Plan (see comment 9 below) to help determine cover material suitability. While data reported from the operational reclamation materials handling plan may provide supporting evidence that the material may be suitable as cover material, it does not necessarily forego the need for a test plot program. MMD will not require Tyrone to construct a test plot program for the Emma Pit overburden material at this time pending evaluation of the material suitability data to be collected by Tyrone. However, during the May 11, 2023 virtual meeting with Tyrone, Tyrone suggested developing a demonstration plot for testing Emma overburden materials as reclamation cover material. Please provide proposed plans for developing a demonstration or test plot program of the Emma overburden material.

Hydrogeologic Report (October 22, 2021)

7. Pages 9-11, Section 4.2.2 and Table 4, Pumping Tests and Hydraulic Properties. The text provides estimates of drawdown and pumping rates during aquifer tests for three wells. Well 396-2021-02 appears to have incorrectly cited drawdown of 81 feet when Appendix C drawdown shows about 59.4 feet at 69 minutes. Given the relatively short duration of the aquifer tests with only one well with a steady flow rate (MB-44), this information may be evaluated as a specific capacity test (Heath, 1983, USGS Water-Supply Paper 2220, Basic Ground-Water Hydrology). Evaluating the transmissivity using a specific capacity relationship, the three wells have similar, relatively low transmissivities at approximately 9.8 ft²/d, 16.5 ft²/d and 15.8 ft²/d. Consider evaluating the field data using specific capacity.

8. Page 23, References. Consider adding recent publication by New Mexico Tech Aquifer Mapping Project on the Mimbres Basin water levels, which show relatively little change in the area of the Emma Project over several decades:
https://geoinfo.nmt.edu/geoscience/research/documents/96/MimbresFactSheet_Nov2021.pdf.

Materials Handling Plan (October 21, 2021)

9. Life Cycle Geo LLC produced a Material Characterization and Handling Plan for Tyrone as part of the renewal and modification application for DP-396 on October 21, 2021. As the overburden materials for this project are being considered for use as reclamation cover material at mine closure, MMD and NMED have agreed that it would be appropriate for joint-agency review and approval of this plan to incorporate MMD soil suitability criteria for preemptive sampling of materials slated for future use as reclamation cover material. MMD and Tyrone also discussed this during an in-person meeting on March 23, 2023, and the virtual meeting on May 11, 2023. MMD has reviewed the Material Characterization and Handling Plan and provides the following comments:
 - a. Section 2.1 *Geology* on page 7 describes the major overburden components consisting of *approximately 65% Precambrian Granite, 20% tertiary monzonite porphyry, and 1% other relatively minor lithologies including aplite, hornfels, and diabase dikes*. Please explain how differences in these materials will be identified and handled during operations to ensure that materials to be used as reclamation cover material will be separated from materials not suitable for reclamation cover material.
 - b. Please add a section to discuss how overburden will be sampled for MMD cover material suitability criteria (see MMD Soil and Cover Material Suitability Guidelines). MMD will require that Tyrone sample, at a minimum, pH, EC, saturation percentage, texture, rock fragment, organic matter, macronutrients, ABA, % base saturation, cation exchange capacity, and extractable metals.
 - c. Section 5.1 *Monitoring Frequency*, page 16, states that Tyrone is proposing to submit one random blasthole sample every 250,000 tons of waste rock material. Considering that 20% of this pile is expected to be PAG materials (Section 2.3.7.1 of the November 12, 2021 CCP), please discuss how this sampling frequency was determined and if this frequency will effectively segregate PAG from NPAG materials.
 - d. Section 5.2 *Reporting and Notification Process*, page 17. MMD will require that Tyrone report the results of the reclamation materials handling plan to MMD biannually.

December 12, 2022 NMOSE Comment Letter

10. Refer to NMOSE's comment at the top of page two of their comment letter: "Freeport's response to the New Mexico Department of Game and Fish (NMDG&F) on page 7 states that "it is environmentally unsound to backfill the pit to the point that it does not function as a hydraulic sink" and that "[p]umping will be required beyond 100-years" (Freeport, 2022). These statements indicate that water right applications transferred into the Emma Pit will likely need to be evaluated for a 40-year drawdown effects to wells of other ownership and a 100-year effects to surface water bodies."

Pursuant to 19.10.5.508.B(4), MMD is requesting that Tyrone submit a copy of these evaluations to MMD concurrently with their submittal to NMOSE.

Tyrone Response Letter to Post-Hearing Comments

11. Page 8 of Tyrone's response to post hearing comments letter, dated November 21, 2022, states that *a pit water management sump must remain in place post-mining for water management and treatment purposes. Tyrone's plan does utilize partial backfilling to promote water flow and minimize the size of the pit water management sump. Tyrone has in fact, proposed to eliminate the small remaining area of exposed water surface at the pit water management sump, by covering it with a floating barrier.*

MMD has received comments from the New Mexico Department of Game & Fish (March 11, 2022) and GRIP (September 15, 2022) regarding feasibility studies for partially or fully backfilling the pit to eliminate a pit lake that has the potential to expose wildlife to harmful water. NMED also requested this information in a letter dated October 6, 2022 as part of the DP-396 Renewal and Modification process, suggesting that Tyrone consider a feasibility study of installing a buried vertical turbine well to capture and treat water below the level of backfill at mine closure.

MMD requests that Tyrone provides a feasibility study that considers eliminating the pit lake altogether to stop the risk of wildlife coming into contact with contaminated water. Other mine sites have been able to successfully treat impacted water for partially backfilled pits using best management practices (buried pump sumps), and while Tyrone has not used these techniques for current operations, most appropriate technologies and best management practices must be considered for New Units, pursuant to §19.10.5.508 NMAC.

12. Page 8 of Tyrone's response to post hearing comments letter, dated November 21, 2022, describes covering the entirety of the remaining pit lake surface with a floating barrier. Elaborate on what sort of floating barrier will be used, including life span and financial assurance to account for replacement over the minimum 100-year monitoring period.
13. Page 11 of Tyrone's response to post hearing comments letter, dated November 21, 2022, states that *Tyrone will continue to use best management practices that have shown to be effective at other operational sites* with respect to lighting, noise, and viewshed concerns. Please summarize what these best management practices are.

June 13, 2023

Page 6 of 6

Please respond to the MMD comments and attached comments from NMOSE and NMED within 45 days of receipt of this letter. If you have any questions, concerns, or would like to meet again regarding these comments, please contact me at (505) 216-8399 or at carmen.rose@emnrd.nm.gov.

Sincerely,



Carmen Rose, Permit Lead
Mining Act Reclamation Program (MARF)
Mining and Minerals Division

Attachments: December 12, 2022 NMOSE Comment Letter
December 21, 2022 NMED Comment Letter

CC: DJ Ennis, Program Manager, MARF, MMD
Joe Fox, Program Manager, NMED
Brad Reid, Permit Lead, NMED
Tom Shelley, Environmental Manager, Tyrone
Raechel Roberts, Environmental Scientist, Tyrone
Allyson Siwik, Executive Director, GRIP

MEMORANDUM
OFFICE OF THE STATE ENGINEER
Hydrology Bureau

DATE: December 12, 2022

TO: David Otori, Permit Lead, Mining Act Reclamation Program

THROUGH: Katie Zemlick, Ph.D., Hydrology Bureau Chief *KZ*

FROM: Christopher E. Angel, PG, Senior Hydrologist, Hydrology Bureau *CEA*

SUBJECT: Post-Public Hearing Comments on Revision 21-1 to Tyrone Mine, Emma Expansion Project, Permit No. GR010RE, Freeport-McMoRan Tyrone Operations

I. Introduction

The New Mexico Office of the State Engineer (NMOSE) Hydrology Bureau received the Mining and Minerals Division's (MMD's) October 21, 2022, request for review on the subject Post-Public Hearing Tyrone Mine - Emma Project. This review included the May 23, 2022, Freeport-McMoRan – Tyrone Mine Permit GR010RE, Tyrone Mine Emma Expansion Application Response Letter; and post-public hearing comments by Gila Resources Information Project (GRIP) and GRIPs consultant Stratus Environmental and a report by Kuipers and Associates.

**II. Freeport-McMoRan Tyrone Mine Response Letter
May 23, 2022 (Freeport, 2022)**

The NMOSE Hydrology Bureau reviewed the Tyrone Mine Response Letter (Freeport, 2022) for hydrogeologic concerns, including but not limited to NMOSE's comments (Angel, 2022). According to Freeport (2022) the following issues identified in Angel (2022) are in the process of being reconciled:

- 1) Freeport is discussing a variance for the annular seal on the M-10584-POD34 and a corrected well log will be submitted to the NMOSE.
- 2) Freeport is working with the NMOSE on permitting requirements for the MB-44.
- 3) An application is pending with the NMOSE for an alternate point of diversion in the Emma Pit. This application has been submitted the NMOSE Hydrology Bureau for analysis and is part of a protested application. The hydrogeologic evaluation of this application has not been performed at this time.

Based on the information provided in Freeport (2022), NMOSE's original comments were adequately addressed.

Freeport's response to the New Mexico Department of Game and Fish (NMDG&F) on page 7 states that "it is environmentally unsound to backfill the pit to the point that it does not function as a hydraulic sink" and that "[p]umping will be required beyond 100-years" (Freeport, 2022). These statements indicate that water right applications transferred into the Emma Pit will likely need to be evaluated for a 40-year drawdown effects to wells of other ownership and a 100-year effects to surface water bodies.

III. GRIP Comments, Allyson Siwik September 15, 2022 (GRIP, 2022)

Technical consultant Dylan Duvergé, indicates that the report does not present sufficient data to fully understand the presence or strength of the hydrogeologic connection between the mine pit and the nearest domestic wells. In general, the NMOSE Hydrology Bureau analyzes water right applications in a conservative manner. This means that the analysis will likely be performed with a hydrogeologic connection to wells of other ownership unless there is sufficient information to demonstrate otherwise.

GRIP (2022) discusses a water right application for the Emma Pit mine as an additional point of diversion for a 10-year temporary transfer of water from the M-4979 water right. This application is currently protested. In general, the NMOSE Hydrology Bureau evaluates groundwater transfer applications by analyzing the movement of groundwater from one location to the another. This is done in a conservative manner that allows for an evaluation of potential effects to wells of other ownership and/or surface water bodies.

GRIP (2022) recommends that the Tyrone Mine implement a Groundwater Monitoring and Mitigation Plan (GMMP) that includes Lowest Practical Pumping Level (LPPL). The NMOSE Hydrology Bureau generally evaluates LPPLs on wells that exceed the Recommended Drawdown Allowances for Unconfined and Confined Aquifers (OSE, 2017). This evaluation is performed after a water right application is received. The NMOSE Hydrology Bureau has received an application for the temporary transfer of groundwater into the Emma Pit. No evaluation has been performed at this time. As the application is protested, the evaluation will be performed and submitted as part of the administrative litigation process process.

GRIP (2022) recommends that a dust control, monitoring, and mitigation plan be established. If this plan is established and water is needed for dust suppression, the NMOSE District III will need to be contacted to determine if the Tyrone Mine has the appropriate water rights available for this activity. This was documented in Item 4 of the NMOSE Hydrology Bureau memo for the Emma Expansion Project (Angel, 2022).

**IV. Stratus Environmental, Dylan Duvergé,
June 8, 2022 (Duvergé, 2022a)**

The 2-foot drawdown allowance discussed by Duvergé (2022a) was not determined by the NMOSE. At this time, the NMOSE has not evaluated the application and no drawdown allowance has been evaluated. As this application is protested, the evaluation will be performed and submitted as part of the administrative and legal processes.

An evaluation of Cherry Creek and Oak Grove Creek/Wash will likely be performed as part of the water rights application M-4979. If any of the creek intervals are perennially flowing, then a Glover-Balmer Analysis will likely be performed on the flowing interval. The NMOSE Hydrology Bureau generally does not evaluate dry stream reaches.

Duvergé (2022a) discusses the MODFLOW model developed by Daniel B. Stevens and Associates (DBS&A) and questions the model based on the results of predicted MB-44 water level trends. If the applicant is to use a MODFLOW model in the evaluation of the protested application M-4979, then the MODFLOW model files will likely need to be submitted to the NMOSE for a full and detailed review by the NMOSE Hydrology Bureau.

In general, the evaluation of a water right application by the NMOSE Hydrology Bureau uses conservative values including but not limited to transmissivity and storativity. These values are generally determined during the evaluation of the water right applications from multiple data sources.

**V. Stratus Environmental, Dylan Duvergé,
September 6, 2022 (Duvergé, 2022b)**

Duvergé (2022b) indicates that there are two springs that may be affected by application M-4979. These springs are mapped on the USGS topographic map. The NMOSE Hydrology Bureau will likely evaluate the nature of these possible springs as part of M-4979 evaluation.

In Duvergé (2022b), it is stated that “a pit lake cannot be allowed to form”. Pit lakes have been allowed by the NMOSE and generally have a calculated evaporative loss. If a pit lake is not allowed by a different agency for any reason, then the NMOSE Hydrology Bureau will generally evaluate the drawdown effects to wells of other ownership and depletion effects to perennial surface water bodies. It is likely that wells of other ownership will be evaluated for a 40-year analysis (OSE, 2017) and surface waters will be evaluated on a 100-year basis due to the length of time that the pit will need to be pumped as discussed in Freeport (2022).

The statement “Pit dewatering represents an increase in consumptive water use” has not been evaluated by the NMOSE. As this is likely to be evaluated in part by the NMOSE District III and

the NMOSE Hydrology Bureau evaluation process, no determination can be made until that process has been completed.

The statement “Predicted drawdowns are compared to in appropriate thresholds for impairment” is based on the applicant’s evaluation. The NMOSE has not performed an evaluation at this time. The NMOSE Hydrology Bureau utilizes the Guidelines for the Assessment of Drawdown Estimates for Water Right Application Processing (OSE, 2017) and/or any basin specific guidelines for the evaluation of water right applications.

**VI. Kuipers & Associates, LLC, James Kuipers,
September 13, 2022 (Kuipers, 2022)**

NMOSE has no comments on Kuipers (2022).

VII. References

Angel, C. E. (2022); Comments on Revision 21-1 to Tyrone Mine, Emma Expansion Project, Permit N. GR010RE, Freeport-McMoRan Tyrone Operations, February 2, 2022.

Duvergé, D. (2022a); Review of Hydrogeologic Report for Proposed Emma Project, Stratus Environmental, Silver City, NM, September 6, 2022.

Duvergé, D. (2022b); Groundwater Resource Comments for Emma Expansion Project (Permit No. GR010RE, Revision 21-1, Stratus Environmental, Silver City, NM, June 8, 2022.

Freeport (2022); Re: Tyrone Mine Permit GR010RE, Tyrone Mine Emma Expansion Application Response Letter, dated May 23, 2022

GRIP (2022); RE: GR010RE Tyrone Mine – Emma Expansion Project, Gila Resources Information Project, by Allyson Siwik to Jerry Schoeppner, dated September 15, 2022

Kuipers (2022); Re: Technical review Comments on Tyrone Emma Expansion Project Permit Revision Application, Closure/Closeout Plan, and Financial Assurance Cost Estimate, Kuipers & Associates, LLC

OSE, 2017, Guidelines for the Assessment of Drawdown Estimates for Water Right Application Processing: New Mexico Office of the State Engineer Hydrology Bureau Report 05-17, 16 p.



Electronic Transmission

MEMORANDUM

Date: December 21, 2022

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)
Sufi Mustafa, Air Quality Bureau (AQB)

Subject: **New Mexico Environment Department (NMED) Comments, Freeport-McMoRan Tyrone Operations, Emma Expansion Project, Revision 21-1, GRIP Public Comments, Grant County, New Mexico, New Mexico Mining Act Permit No. GR010RE**

The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) on October 21, 2022 requesting that NMED review and provide comments on the above-referenced MMD permitting action. Pursuant to the Mining Act, this is a regular existing mine. MMD requested comments on the application within 30 days of receipt of the request for comments. NMED requested an extension to submit comments by December 21, 2022. NMED has the following comments.

Background

MMD received an application from Freeport-McMoRan Tyrone Operations (applicant) to revise Mining Act Permit No. GR010RE for the Emma Expansion Project. The revision application proposes the following:

1. Expansion of the Tyrone Mine Permit and Design Limit boundaries to include the Emma Open Pit, EMW Waste Rock Stockpile, the Southern Emma Haul Road, and miscellaneous facilities.

SCIENCE | INNOVATION | COLLABORATION | COMPLIANCE

Ground Water Quality Bureau | 1190 Saint Francis Drive, PO Box 5469, Santa Fe, New Mexico 87502-5469

Telephone (505) 827-2900 | www.env.nm.gov/gwqb/

Additionally, the applicant proposes to construct the 6HW Waste Rock Stockpile and the Northern Emma Haul Road that will be located within the current Tyrone Mine Permit Boundary.

2. A Closure/Closeout Plan (CCP) for the Emma Expansion Project disturbances.

On August 16, 2022, MMD held a public hearing on the Revision 21-1 application for the Emma Expansion project. The Gila Resources Information Project (GRIP) submitted post-hearing comments to MMD on September 15, 2022. MMD requested NMED review and comment on the post-hearing comments from GRIP.

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) The MECS received an application (DP-396 Application) for renewal and modification of Discharge Permit 396 (DP-396) from the applicant dated October 22, 2021. The Application also includes the Emma Project Closure/Closeout Plan (Emma CCP), dated November 12, 2021, and supplemented with additional information on December 2, 2021. Technical review of the DP-396 Application pursuant to the Water Quality Act (WQA) and the Water Quality Control Commission (WQCC) Regulations, including the Copper Mine Rule (20.6.7 NMAC), is currently in progress. MECS may have additional comments based on technical review of the DP-396 Application and associated operational, monitoring and closure plans, including the Emma CCP. As such, any additional comments on the DP-396 Application and Emma CCP will be submitted under separate letterhead directly to Freeport-McMoRan Tyrone Mine Inc with copy to MMD.
- 2) Please note NMED has considered and reviewed comments submitted to MMD as a result of the MMD Public Hearing held on August 16, 2022. Specifically, based on review and consideration of comments submitted to MMD, NMED formulated and/or augmented comments #7, #8, #9, #14, and #15 in the letter to the Applicant titled, *Second Request for Additional Information, Renewal and Modification of Discharge Permit 396, Emma Expansion Project, Freeport-McMoRan Tyrone Mine Inc.*, dated October 6, 2022. As stated above, NMED may have additional comments or questions.

Mr. Holland Shepherd
Emma Expansion Project, Revision 21-1
December 21, 2022

NMED Summary Comment

NMED is withholding issuance of the determination pending completion of the technical review of the application and CCP associated with DP-396 and the Copper Mine Rule.

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

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



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

MEMORANDUM

DATE: December 21, 2022

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

FROM: Sufi Mustafa, Staff Manager, Air Dispersion Modeling and Emission Inventory Section, Air Quality Bureau.

RE: Request for Comments, GRIP Comments, Revision 21-1, Freeport-McMoRan Tyrone Operations, Emma Project, Grant County, New Mexico Mining Act Permit No. GR010RE

The New Mexico Air Quality Bureau (AQB) has completed its review of the comments submitted by Gila Resources Information Project. AQB supports the commenter's suggestions in the Fugitive Dust section.

If you have any questions, please contact me at 505 629 6186 or at sufi.mustafa@env.nm.gov