

From: [Toney, Elizabeth - FS, NM](#)
To: [Myers, Kevin, EMNRD](#)
Cc: [Ybarra, Antonio - FS, NM](#); [Padilla, Jenna - FS, NM](#)
Subject: [EXTERNAL] RE: [External Email]Request for Comments on MMD Permit Revision 23-1 of No. GR002RE Continental Mine - Hanover Mountain Mine
Date: Wednesday, November 29, 2023 8:55:06 AM
Attachments: [image001.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

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Hello Kevin,

The Silver City Ranger District has no comments, concerns, or questions regarding the update to the closeout/closure plan for the Continental Mine.

Thank you for including us in your request.

Regards, Elizabeth



Elizabeth Toney
District Ranger
Forest Service
Gila National Forest, Silver City Ranger District

p: 575-388-8430
elizabeth.toney@usda.gov

3005 E. Camino del Bosque
Silver City, NM 88061
www.fs.usda.gov

Caring for the land and serving people

From: Myers, Kevin, EMNRD <kevin.myers@emnrd.nm.gov>
Sent: Monday, November 27, 2023 3:13 PM
To: Toney, Elizabeth - FS, NM <elizabeth.toney@usda.gov>
Cc: Ybarra, Antonio - FS, NM <antonio.ybarra2@usda.gov>
Subject: [External Email]Request for Comments on MMD Permit Revision 23-1 of No. GR002RE Continental Mine - Hanover Mountain Mine

[External Email]

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Good Afternoon Ms. Toney,

See attached request for comment letter regarding an update to the closeout/closure plan for the Continental Mine, Revision 23-1 MMD permit No. GR002RE.

MMD sent out agency comments letters earlier this month, and the USFS should have been included as some exploration activities are ongoing on USFS lands related to Continental Mine.

We have an inspection set for Thursday, November 30, 2023.

This is part of a 5-year review and renewal process of FMI Chino's reclamation plans and associated financial assurance.

Let me know if you have any questions.

Kevin C. Myers

Hydrologist

Mining Act Reclamation Program (MARPA)-Mining and Minerals Division (MMD)

Energy, Minerals and Natural Resources Department (EMNRD)

1220 S. St. Francis Drive

Santa Fe, NM 87505

505-490-0726 office and cell phone

kevin.myers@emnrn.dnm.gov

EMNRD website

<https://www.emnrn.dnm.gov/>

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Energy, Minerals and Natural Resources Department

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Governor

Sarah Cottrell Propst
Cabinet Secretary

Todd E. Leahy, JD, PhD
Deputy Cabinet Secretary

Laura McCarthy, State Forester
Forestry Division



November 28, 2023

Kevin C. Myers
Hydrologist
Mining Act Reclamation Program (MARF)-Mining and Minerals Division (MMD)
1220 S. St. Francis Drive
Santa Fe, NM 87505

RE: Request for Comments on Revision 23-1 to Continental Mine and Mill – Update to Closure/Closeout Plan, Permit No. GR002RE, Freeport-McMoRan Chino Mines Company

Thank you for the opportunity to comment on the above referenced project. Based on a review of our files, there are no records of New Mexico State Endangered Plant Species listed in Section 75-6-1 NMSA 1978 within the project area. However, there is potential for the State Endangered *Scrophularia macrantha* (Mimbres figwort) to occur within the project area.

Based on documents shared with this office, surveys for *S. macrantha* and other potentially occurring special status plant species were conducted in 2012 by Ecosphere biologists. No special status plants were found; however, these surveys were conducted outside of the flowering period of *S. macrantha*. Detecting the presence of this species would have been difficult to nearly impossible to identify during this timeframe. Therefore, it is recommended that appropriately timed surveys (July-Oct.) for *S. macrantha* be conducted in areas where proposed new ground disturbance will occur for this permit. If *S. macrantha* is found, then a permit will be required from the Forestry Division for take of this species and/or consultation to mitigate impacts. More information can be found here:
<https://www.emnrd.nm.gov/sfd/rare-plants/request-a-collection-permit/>

Please let me know if I can be of further help.

Sincerely,

A handwritten signature in blue ink that reads "Erika Rowe".

Erika Rowe
State Botanist/Endangered Plant Program Coordinator
cell: (505) 699-6371
EMNRD-Forestry Division
1220 S. St. Francis Dr.
Santa Fe, NM 87505
erika.rowe@emnrd.nm.gov / <http://www.emnrd.state.nm.us/SFD/>

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State of New Mexico
Energy, Minerals and Natural Resources Department

Michelle Lujan Grisham
Governor

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Cabinet Secretary

Dylan M. Fuge
Deputy Secretary (Acting)

Albert C.S. Chang, Director
Mining and Minerals Division



Via ELECTRONIC MAIL

November 7, 2023

HPD Log #121077
Received 11/7/2023

Courtney Wands
Department of Cultural Affairs
Historic Preservation Division
407 Galisteo St., Suite 236
Santa Fe, NM 87501

RE: Request for Comments on Revision 23-1 to Continental Mine and Mill – Update to Closure/Closeout Plan, Permit No. GR002RE, Freeport-McMoRan Chino Mines Company

Dear Ms. Wands:

The New Mexico Mining and Minerals Division (MMD) received an application from Freeport-McMoRan Chino Mines Company (Chino) dated July 2023 requesting a revision to Permit No. GR002RE, for the Continental Mine Closure/Closeout Plan (CCP) Update (Application). Chino provided proof of public notification of the application to MMD in a letter dated October 30, 2023, and MMD has determined the application to be administratively complete on November 6, 2023. The Application (assigned by MMD as Revision 23-1) for the Continental Mine permit proposes an updated CCP similar to the 2014 CCP with some differences, not limited to the following:

1. The 2023 Updated CCP is based on the constructed facilities as of 2023 and end of year 2026 for the Cobre Haul Road, Hanover Mountain Mine, and South Waste Rock Disposal Facility (SWRDF). In the 2014 CCP, the Cobre Haul Road and Hanover Mountain Mine were conceptual plans.
2. The 2023 Updated CCP's Reclamation Cost Estimate is based on unit costs in 2023 dollars for end of year 2026, as the greatest anticipated reclamation cost or highest liability year out of years 2023 to 2027.
3. The 2023 Updated CCP contemplates use of Cobre Haul Road and Santa Rita Mine's Upper South Stockpile as sources for cover material. At the same time, an ongoing 2022 test plot study is evaluating other cover material sources.

RE: Request for Comments on Revision 23-1 to Continental Mine Updated CCP, Permit
No. GR002RE, Freeport-McMoRan Chino Mining Company
November 7, 2023
Page 2

MMD requests comments from your agency on the Application. A copy of the Revision 23-1 Application and Updated CCP received by MMD may be viewed on the MMD website at:

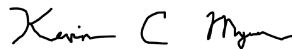
<https://www.emnrd.nm.gov/mmd/gr002re-continental-mine-and-mill-revision-23-1-updated-ccp/>

If your agency has comments on this Revision 23-1 Application and Updated CCP, please respond within 60-days of the date of receipt of this letter. Given the multiple holidays at the end of the year, the deadline will be extended to **January 12, 2024**.

If anyone from your agency would like to attend a site inspection of the Continental and Hanover Mountain Mines during the morning on Thursday, November 30, 2023, please contact MMD.

If you have any questions, please call (505) 490-0726 or email kevin.myers@emnrd.nm.gov.

Sincerely,



Kevin C Myers, Permit Lead
Mining Act Reclamation Program (MARP)
Mining and Minerals Division

No comment

cc: DJ Ennis, MARP Program Manager
Mine File (GR002RE)



DIRECTOR AND SECRETARY
TO THE COMMISSION
Michael B. Sloane

STATE OF NEW MEXICO
DEPARTMENT OF GAME & FISH

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26 January 2024

Kevin Myers, Permit Lead
Mining Act Reclamation Program
Mining and Minerals Division (MMD)
1220 South St. Francis Drive
Santa Fe, NM 87505

RE: Revision 23-1 to Continental Mine and Mill, Update to Closure/Closeout Plan. Permit No. GR002RE; NMDGF No. NMERT-3047.

Dear Mr. Myers,

The New Mexico Department of Game and Fish (Department) has reviewed the above referenced update to the Closure/Closeout Plan (CCP), submitted by Freeport-McMoRan Chino Mines Company (Chino), for the Continental Mine. Chino proposes an updated CCP similar to the 2014 CCP that includes, but is not limited to, the following elements.

- 1) The 2023 Updated CCP is based on the facilities constructed as of 2023 and those anticipated by the end of year 2026 for the Cobre Haul Road, Hanover Mountain Mine, and South Waste Rock Disposal Facility. In the 2014 CCP, the Cobre Haul Road and Hanover Mountain Mine existed only as conceptual plans.
- 2) The 2023 Updated CCP's Reclamation Cost Estimate is based on unit costs in 2023 dollars for end of year 2026, which is expected to have the greatest anticipated reclamation cost or highest liability among years 2023 to 2027.
- 3) The 2023 Updated CCP contemplates the use of Cobre Haul Road and Santa Rita Mine's Upper South Stockpile as sources for reclamation cover material. In addition, an ongoing 2022 test plot study will continue evaluating other cover material sources.

Staff from the Department, MMD, New Mexico Environment Department, New Mexico State Forestry and Chino conducted a site inspection on 30 November 2023.

Section 3.1.3 Continental Pit in the CCP states that "Predictions in (Telesto, 2008a) and (Telesto, 2022) indicate that the open pit lake will be a hydrologic evaporite sink". There are no data provided nor discussion about the pH and water quality of the current pit lake and whether current conditions meet New Mexico standards for wildlife. Additionally, there is also no discussion of any hydrogeological modeling that was performed to predict future, post-closure pit lake water quality.

The Department believes that the hydrogeological complexities at the site and associated, inherent uncertainties will make prediction of future, long-term pit lake water quality extremely difficult. In addition to Acid Mine Drainage (AMD), the potential long-term effects of climate

change and prolonged drought could also lead to the development of hazardous water quality conditions for wildlife resulting from evapoconcentration of trace elements in the pit lake water.

As a result, the Department recommends that perimeter fencing, designed to prevent terrestrial wildlife from accessing the pit lake water, be installed.. To exclude deer and elk, the above-ground fence height should be a minimum of eight feet and an additional two feet of fence should extend below ground level to deter animals from burrowing under, for a total of ten feet. To exclude small mammals, reptiles, and amphibians, the Department also recommends that the perimeter fence is securely wrapped with a two-foot high, solid, smooth, and heavy gauge sheet metal or plastic barrier, preferably with a horizontal lip at the top.

In addition, the Department recommends providing nearby sources of clean drinking water to attract wildlife away from the pit lake. The drinker tanks should be designed with textured escape ramps to prevent entrapment and drowning of smaller animals. The Department is available for consultation regarding the different types of appropriate wildlife drinker tanks.

The CCP should address the recent AMD from historic mine workings that entered Hanover Creek. Chino postulated that unusually wet winter conditions may have significantly contributed to this AMD seepage incident. Chino has implemented a temporary fix by creating a channel filled with limestone that diverts the AMD to a created wetland area. The CCP should include a long-term plan to permanently remedy this issue.

The Department generally concurs with the proposed interim seed mix presented in Table 10 and provides the following suggestions.

- 1) Change the common name blue flax to Lewis flax; the scientific name (*Linum lewisii*) is correct for the native flax species. Blue flax (*Linum perenne*) is native to Eurasia and has been introduced throughout the United States.
- 2) For globe mallow, only the genus name *Sphaeralcea* sp. is given. The Department recommends using either of the following native species in the seed mix: copper globe mallow (*Sphaeralcea angustifolia*) or scarlet globe mallow (*Sphaeralcea coccinea*).
- 3) Correct the following errors in Table 10: a) 8 species where there is no space between the genus and species names and b) the species name for white prairie clover should be changed from *candidia* to *candida*.

The Department also recommends that only certified weed-free seed be used to avoid inadvertently introducing non-native species to the reclamation site. Any alternate species seeds, used to substitute for primary plant species that are unavailable at the time of reclamation, should also be native. When possible, the Department recommends using seeds that are sourced from the same region and habitat type as the reclamation site or from sites that represent potential future conditions at the reclamation site as climatic conditions change.

Thank you for the opportunity to provide comments on the Continental Mine updated CCP. If you have any questions, please contact Ron Kellermueller, Mining and Energy Habitat Specialist, at (505) 476-8159 or ronald.kellermueller@state.nm.us.

Sincerely,

Matt Wunder, Ph.D.
Chief, Ecological and Environmental Planning Division

cc: USFWS NMES Field Office



Electronic Transmission

MEMORANDUM

Date: February 5, 2024

To: David Ennis, Program Manager, Mining Act Reclamation Program

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

From: David Mercer, MECS
Susan Styer, Surface Water Quality Bureau (SWQB)
Sufi Mustafa, Air Quality Bureau (AQB)

Subject: **New Mexico Environment Department (NMED) Comments, Freeport-McMoRan (FMI) Continental Mine, Updated Closure/Closeout Plan (CCP), FMI Chino Mines Company, Grant County, New Mexico, New Mexico Mining Act Permit No. GR002RE**

The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) on November 7, 2023, 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 60 days of receipt of the request for comments. NMED requested an extension to submit comments by February 2, 2024. NMED has the following comments.

Background

MMD received an application requesting a revision to Mining Act Permit No. GR002RE for the Continental Mine Closure/Closeout Plan Update (Updated CCP) in July of 2023 from Freeport-McMoRan Chino Mines Company (permittee). The 2023 CCP provides updates to the 2014 CCP. In addition, NMED received an application for renewal of Discharge Permit No. 1403 (DP-1403) on July 31, 2023, which is the

Mr. David Ennis
FMI Continental Mine
February 5, 2024

groundwater discharge permit that addresses closure of the Continental Mine. NMED considers the Updated CCP as a primary component of the application for renewal of DP-1403.

Air Quality Bureau

The Air Quality Bureau has no comments.

Surface Water Quality Bureau

The Surface Water Quality Bureau comments are attached.

Mining Environmental Compliance Section (MECS)

MECS has the following comments:

1. The Updated CCP, dated July 2023, was submitted to the MECS on July 31, 2023. As stated above, it is included as part of the Ground Water Discharge Permit application for renewal of DP-1403. Technical review of the 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 expects to have additional comments based on technical review of the application and associated monitoring and closure plans, including the Updated CCP. As such, any additional comments on the application and Updated CCP will be submitted under separate letterhead directly to Freeport-McMoRan Chino Mines Company with copy to MMD.
2. Page 9-10, Section 3.1.5 Waste Rock Facilities. NMED is in the process of reviewing the updated Materials Handling Plan. Based upon the review of the Materials Handling Plan and the renewal and modification application for DP-181, additional monitoring wells may need to be installed to monitor groundwater potentiometrically downgradient of the South Waste Rock Disposal Facility (SWRDF). Any additional monitoring wells will need to be evaluated as post-closure monitoring wells and subsequently addressed in DP-1403 and the Updated CCP cost estimate.
3. Page 10-11, Section 3.1.8 Stockpiles. This section describes the High Grade Ore Stockpile, No. 3 Shaft Stockpile, and the Overburden (OB) Stockpiles 1-5. Based on this section, the High Grade Ore and No. 3 Shaft Stockpile are part of the Cobre Haul Road. Given the High Grade Ore and No. 3 Shaft Stockpile may be acid generating or have the potential to generate contaminants in exceedance of 20.6.2.3103 NMAC standards, please indicate how these areas will be addressed at closure.
4. Page 43, Section 6.3.2 Management and Treatment Processes. Appendix B, Table B.2 is cited for anticipated stormwater flow rates but Appendix B is related to cost estimates. The citation here should be Appendix B.2. Please verify the citation.

Mr. David Ennis
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5. Appendix B, Table B-1. Please verify if the Blackman Seep is the only seep listed to be removed in the sampling plan.

NMED Summary Comment

Additional information is needed prior to NMED finding that the CCP as proposed will be protective of the environment if done in accordance with the approved permits, pollution controls, and the comments above. NMED also is withholding issuance of the environmental determination pending completion of the technical review of the application and Updated CCP for DP-1403 renewal and to ensure compliance with 20.6.2 and 20.6.7 NMAC.

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

cc: David Ennis, 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: January 11, 2024

TO: Anne Maurer, Mining Environmental Compliance Section, Ground Water Quality Bureau, New Mexico Environment Department

THROUGH: Shelly Lemon, Chief, Surface Water Quality Bureau, New Mexico Environment Department

FROM: Susan Styer, Watershed Protection Section, Surface Water Quality Bureau, New Mexico Environment Department

SUBJECT: **Request for Comments on Revision 23-1 to Continental Mine and Mill – Update to Closure/Closeout Plan, New Mexico Mining Act Permit No. GR002RE, Freeport-McMoRan Chino Mines Company (Chino), Grant County, NM.**

The New Mexico Environment Department (NMED) Surface Water Quality Bureau (SWQB) received the subject request for comments on November 13, 2023. Staff from SWQB attended an agency site visit on November 30, 2023. The application for permit revision 23-1 to GR002RE submitted by Freeport-McMoRan Chino Mines Company (Chino) updates the 2014 Closure/Closeout Plan (CCP) to include the Cobre Haul Road a constructed facility as of 2023, Hanover Mountain Mine and South Waste Rock Disposal Facilities as of 2023, and planned facilities as of end of year 2026.

The Continental Mine and Mill is located within the 12-digit Hydrologic Unit Code 130302020302 named "Headwaters Whitewater Creek." Surface Waters of the State (SWOTS) include Hanover Creek, an intermittent stream adjacent to the mine that is a tributary to the Mimbres River and numerous ephemeral drainages. These SWOTS support uses specified in 20.6.4.98 NMAC including primary contact, livestock watering, warm-water aquatic life and wildlife habitat.

Summary of Proposed Action

Chino applied for Revision 23-1 to permit GR002RE to update the Continental Mine Closure/Close Out Plan by revising the scope of work and cost estimates to include facilities constructed since the 2014 CCP was approved and planned facility changes as of end of year 2026.

Relevant State and Federal Water Quality Regulations

Mine activities may affect SWOTS as defined in New Mexico's Standards for Interstate and Intrastate Surface Waters (20.6.4.7 NMAC), which include intermittent streams and all tributaries of such waters within the area of mining operations, which are subject to water quality criteria under 20.6.4.98 NMAC. Furthermore, operations must ensure compliance with General Criteria at 20.6.4.13 NMAC. *"General criteria are established to sustain and protect existing or attainable uses of surface waters of the State. These general criteria apply to all surface waters of the state at all times... Surface waters of the State shall be free of any water contaminant in such quantity and of such duration as may with reasonable probability injure human health, animal or plant life or property, or unreasonably interfere with the public welfare or the use of property."* (20.6.4.13 NMAC)



The Applicant is required to report all spills immediately to the NMED as required by the New Mexico Water Quality Control Commission regulations (20.6.2.1203 NMAC). For non-emergencies during normal business hours, call 505-428-2500. For non-emergencies after hours, call 866-428-6535 or 505-428-6535 (voice mail, twenty-four hours a day). For emergencies only, call 505-827-9329 twenty-four hours a day (NM Dept of Public Safety).

In addition to the above regulatory standards, SWQB requires the following practices to avoid contamination and to protect surface and groundwater quality:

- Contain process water within the closed-loop system or lined pits. Process water may not be discharged to the ground unless a discharge permit has been secured from the USEPA and/or NMED.
- Utilize a secondary containment system for fuel, oil, hydraulic fluid, lubricants, and other petrochemicals to prevent spills. During the summer monsoon seasons, typically July through September, store these materials outside of the flood-prone zone.
- Perform all work, when practicable, in the dry season and postpone work during wet and muddy conditions.
- Always keep appropriate spill clean-up materials such as absorbent pads on-site during road construction, site preparations, drilling and reclamation to address potential spills.
- Provide a minimum 50' set-back (buffer) distance from existing drainages to staging areas.
- Install and maintain Best Management Practices (BMPs) both during and after construction to prevent, to the extent practicable, pollutants in stormwater runoff from entering SWOTS.
- Confirm Army Corps of Engineer's Jurisdictional Determinations for all future permit revisions.
- Final reclamation designs for facilities affecting SWOTS should reestablish approximate original contour, to the maximum extent practicable, to maintain or restore natural pre-mining hydrologic processes.

SWQB does not have any comments related to the 2023 CCP cost estimate associated with permit revision 23-1.

Please note in *Table 1 Summary of Closure/Closeout Related Permits* found in the permit revision 23-1 application to update the Closure/Closeout Plan, Permit Number NMR05GB66 is listed under Surface Water Quality Federal Clean Water Act. The permit number listed appears to be incorrect.

For questions related to these comments, please contact Susan Styer, SWQB, at 505-819-9923.