



Freeport-McMoRan Chino Mines Company
P.O. Box 10
Bayard, NM 88023



April 16, 2024

Certified Mail # 70211970000136948336

David Ennis, Program Manager
Mining and Minerals Division- EMNRD
Mining Act Reclamation Program
1220 South St. Francis Drive
Santa Fe, NM 87505

Dear Mr. Ennis:

Re: Permit Modification 22-1 to Permit GR009RE Chino Mine

Please find enclosed the original signed permit modification 22-1 to Permit GR009RE Chino Mine.

If you have any questions or require additional information, please contact me at (575) 912-5927.

Sincerely,

Sherry Burt-Kested, Manager
Environmental Services

SBK:ml
Enclosures
20240415-003

cc: Kevin Barnes, MMD

PERMIT MODIFICATION 22-1 TO PERMIT No. GR009RE
CHINO MINE
EXISTING MINING OPERATION

MINING AND MINERALS DIVISION
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

Permit Modification 22-1 ("Modification 22-1") to Reissued Permit No. GR009RE (Revision 18-1) ("Permit") is issued by the Director of the Mining and Minerals Division ("MMD") of the New Mexico Energy, Minerals and Natural Resources Department to:

Freeport-McMoRan Chino Mines Company ("Chino")
Whose correct address is: P.O. Box 10
Bayard, NM 88023

("Permittee") for the Chino Mine, located in Grant County, New Mexico.

This Permit Modification 22-1:

1. Approves the closeout plan for the North Lampbright Leach Stockpile ("NLLS"), an extension of the Main Lampbright Leach Stockpile ("MLLS") that will occur within the boundaries of the North Lampbright Waste Rock Stockpile ("NLWRS") as approved in Revision 18-1.
2. Changes the reclamation schedule as approved in Revision 18-1 by replacing the reclamation of the NLWRS with the NLLS.
3. Approves the financial assurance provided in Revision 18-1 as sufficient for the change in design and reclamation plans between the NLWRS and the NLLS.

In order to accomplish the approval contemplated by this Modification 22-1, the following subparagraphs are added to Permit No. GR009RE:

Section 1 (22-1). STATUTES AND REGULATIONS

- A. This Permit Modification is issued pursuant to the New Mexico Mining Act, NMSA 1978, §69-36-1, et seq. (1993, as amended through 2016) ("Act") and New Mexico Mining Act Rules, Title 19, Chapter 10 of the New Mexico Administrative Code ("NMAC" or "Rules" or "Regulations").
- B. This Permit Modification is subject to the Act, the Rules and any other regulations which are now or hereafter in force under the Act; and all such regulations are made a part of this Permit by this reference.

Section 2 (22-1). PERMIT MODIFICATION PACKAGE

- A. The Permit Application Package ("PAP") is comprised of:

1. A written application entitled *North Lampbright Leach Stockpile Extension – Closure/Closeout Plan* dated April 2022, prepared by Chino, and received by MMD on August 19, 2022;
2. A letter entitled *Technical Comments on the North Lampbright Leach Stockpile Closure/Closeout Plan* dated January 19, 2023, and issued by MMD;
3. A letter entitled *Response to Agency Technical Comments on North Lampbright Leach Stockpile Closure/Closeout Plan* dated April 3, 2023, and prepared by Chino;
4. A memorandum entitled *New Mexico Environment Department (NMED) comments, Freeport-McMoRan (FMI) Chino Mine, North Lampbright Leach Stockpile Closure/Closeout Plan Response to Comments* dated May 11, 2023, and issued by the Mining Environmental Compliance Section (“MECS”) of the New Mexico Environment Department (“NMED”); and
5. A letter entitled *Response to New Mexico Environment Department (NMED) Comments, Freeport-McMoRan (FMI) Chino Mine, North Lampbright Leach Stockpile Closure/Closeout Plan* dated June 8, 2023, and prepared by Chino.
6. An email entitled *RE: [EXTERNAL] North Lampbright Leach Stockpile, Modification 22-1* prepared by Chino and received by MMD on March 13, 2024.
7. Financial Assurance (“FA”) in the amount of \$3,581,931.00 received by MMD on October 5, 2017, in the form of Surety Bond No. SUR0042184 issued by Argonaut Insurance Company.

Section 4 (22-1). DESIGN LIMITS

- A. Disturbance related to the NLLS is not authorized outside of the design limit of 168 acres as shown on *Figure 6-2B Disturbed Areas Associated with the Proposed North Lampbright Leach Stockpile* included in PAP item #6 listed above (email dated March 13, 2024).

Section 5 (22-1). FINDINGS OF FACT

Application

- A. The Permittee has paid the permit modification fee of \$1,000.00 as required by §19.10.2.201 NMAC.
- B. Pursuant to §19.10.5.505.B NMAC, the proposed change does not require public notice nor the opportunity for public hearing.

- C. Pursuant to §19.10.5.505.B(1) NMAC, the proposed changes would not have a significant environmental impact.
- D. Pursuant to §19.10.5.505.B(2) NMAC, the application was accompanied by sufficient information for the Director to determine whether any of the factors listed in §19.10.5.505 are present.
- E. Pursuant to §19.10.5.505.B(3) NMAC, the Director consulted with the New Mexico Environment Department regarding the proposed modification.
- F. Pursuant to §19.10.5.505.C NMAC, the application for permit modification was in a format acceptable to the Director.
- G. The application for permit modification has been reviewed in accordance with §19.10.5.505 NMAC. The application for permit modification is complete, accurate, and complies with the requirements for permit modifications under §19.10.5.505 NMAC.

Section 9 (22-1). GENERAL OBLIGATIONS AND CONDITIONS

A. North Lampbright Leach Stockpile– Subject to Existing Unit Reclamation Standards and New Unit Reclamation Standards (§19.10.5.507.A and §19.10.5.508 NMAC)

The following conditions apply to the NLLS:

1. Construction Criteria

During construction and operation of the NLLS, the Permittee shall facilitate closure regrading efforts by optimizing lift height and setbacks and remain in compliance with the basis for the cost estimate, including:

- a. Construction of the NLLS up to an elevation of approximately 6,800-feet over the northern outslope of the existing Main Lampbright Leach Stockpile;
- b. Constructed by end dumping in lifts of variable height and bench widths that are compliant with the overall reclamation plan to facilitate final closure;
- c. Overall design of the NLLS at approximately 3.0H:1.0V overall slope to facilitate final closure.

2. Surface Shaping and Stormwater Management

During reclamation, the NLLS shall meet the key design criteria for closure of the NLLS as shown in *Table 4-1: Summary of the Key Design Criteria for Closure of the North Lampbright Leach Stockpile Extension*, April 11, 2022, prepared by Chino, including:

- a. Stockpile regrading to interbench slopes of between 3.0H:1.0V and 3.3H:1.0V.
- b. Maximum uninterrupted slope length of 200-feet for outslopes.
- c. Terrace benches of a sufficient width to break up the slope and provide for stormwater management, with maximum bench width of 50 feet.
- d. Bench longitudinal slopes at maximum of 5%.
- e. Bench cross slopes and channels between 1 and 5%
- f. Top surface graded at a minimum final grade of 1%.
- g. Regrading to achieve the conveyance of surface water to the exterior perimeter of the stockpile.
- h. Slope channels located where possible in natural junctions or drainage chutes, to facilitate stormwater management.
- i. Use of riprap and energy dissipation structures as appropriate.
- j. Placement of at least 36-inches of approved Reclamation Cover Material ("RCM") on the top slopes, outslope surfaces, and haul roads that are located on potentially acid-generating ("PAG") material.
- k. Revegetation in accordance with *Appendix A Seeding Methods and Revegetation Standards* of Permit Revision 18-1.
- l. Implementation of a moderate maintenance program until cover vegetation meets standards.

3. Cover Placement Plan

- a. Rubio Peak Formation is conditionally approved as suitable RCM for the NLLS pending the results of test-plot evaluation of this material.
- b. Top surface and outslopes of NLLS shall be covered with a minimum thickness of 36-inches of approved RCM.
- c. The NLLS will cover approximately 168 acres of disturbed and undisturbed acres.

4. Revegetation Plan

- a. Approximately 59 acres of the NLLS is subject to the reclamation standards of §19.10.5.507.A NMAC ("Existing Unit Standards"). This 59-acre area is the southern portion of the NLLS where it overlaps with the north facing outslope of the Main

Lampbright Leach Stockpile as depicted in *Figure 6-2B Disturbed Areas Associated with the Proposed North Lampbright Leach Stockpile* included in PAP item #6 listed above (email dated March 13, 2024).

- b. Approximately 109 acres of the NLLS is subject to the reclamation standards of §19.10.5.508 NMAC ("New Unit Standards"). This 109-acre area is the northern portion of the NLLS as depicted in *Figure 6-2B Disturbed Areas Associated with the Proposed North Lampbright Leach Stockpile* included in PAP item #6 listed above (email dated March 13, 2024).
- c. 19 acres approved for the NLWRS that are not included in the design limit for the NLLS will remain undisturbed.
- d. Chino is currently conducting, and shall continue to conduct, a test-plot study to demonstrate that the use of the Rubio Peak Formation, proposed for placement on the NLLS, will support a successful, self-sustaining plant community, and meet Existing Unit and New Unit Standards. The conditional approval of this alternative cover material for the NLLS does not change any other cover material requirements of Permit No. GR009RE.
- e. The cost estimate for the reclamation of the NLLS is based upon the use of a conditionally approved alternative cover material that is undergoing testing in an approved test-plot study. If the results of the test-plot study indicate, as determined by MMD, that alternative or additional closeout actions are necessary to allow for the establishment of an SSE, and/or meet the requirements of reclamation defined under §19.10.1.7.R(1) NMAC, MMD may require that the Permittee submit a request to modify or revise the Permit in accordance with §19.10.5.504.B and §19.10.5.505.B NMAC.

5. Post-Mining Land Use

- a. The PMLU for the NLLS shall be wildlife habitat. Compliance with §19.10.5.507.A and §19.10.5.508 NMAC shall be achieved by the following:
 - i. Vegetation in the reclaimed areas shall meet approved MMD revegetation standards of Appendix, A Seeding Methods and Revegetation Standards, of this Permit;
 - ii. Wildlife use shall be documented by conducting wildlife surveys including, but not limited to, deer pellet count surveys and bird diversity surveys in accordance with Section 9.R.4 Wildlife Monitoring of this Permit.
 - iii. The results of the wildlife surveys shall not be a condition of or given consideration with regard to financial assurance release.

Financial Assurance

- B. The revised cost estimate for the NLLS is \$2,331,014 (after Near Present Value). Chino provided \$3,581,931 (after Net Present Value) for the NLWRS in Revision 18-1, therefore adequate FA has been provided for the NLLS and shall be maintained with MMD and NMED as joint beneficiaries.

Reclamation Schedule

- C. During reclamation, measures shall be taken to provide for the stabilization of the disturbances that will minimize future impact to the environment and protect air and water resources. The reclamation schedule is required pursuant to §19.10.5.506.B.1 NMAC. The reclamation schedule for the NLLS shall begin in accordance with the schedule identified below in Table 1, unless earlier reclamation is required by other agencies.

Table 1: Reclamation Schedule

Unit	Anticipated or Actual Start Date for Reclamation to Begin ^a	Anticipated Duration (Years) ^b or Completion Date
North Lampbright Stockpile	5 years following cessation of short-term ETS period ^c	5.0

Notes:

a Anticipated start dates are subject to modification based on the reclamation sequence identified in Revision 01-1 Condition 8.P to Permit No. GR009RE.

b Estimated duration for facility reclamation does not include regulatory design review and approval processes.

c "Cessation of short-term ETS period" means the cessation of the short-term evaporative treatment system.

Section 10 (22-1). CONCLUSIONS OF LAW

- A. The Director has jurisdiction over the Permittee and the subject matter of this proceeding.
- B. The application for permit modification is complete, accurate and complies with the requirements of the Act and §19.10.5.505 NMAC.

All other provisions, modifications, and revisions for mining and reclamation contained in the Chino Mine Reissued Permit No. GR009RE (Permit Revision 18-1) remain unchanged.

CERTIFICATION

I certify that I have personally examined and am familiar with the information submitted herein and based on my inquiry of those individuals responsible for obtaining the information; I believe the submitted information is true, accurate, and complete.

I certify that I have read, understand and will comply with the requirements of this Permit Modification. I also agree to comply with the performance and reclamation standards and requirements of the Permit, and Modifications and Revisions, the Rules, and the Act, and allow the Director to enter the permit area without delay for the purpose of conducting inspections.



Authorized Representative of the Permittee


President & General Manager

Title

Freeport-McMoran Chino Mines Company
Company Name

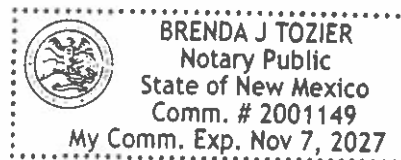
Subscribed and sworn to before me this 10 day of April, 2024



Notary Public

My Commission Expires

Nov. 7, 2027



ORDER

NOW THEREFORE, IT IS HEREBY ORDERED that Permit Modification 22-1 to Reissued Permit No. GR009RE (Revision 18-1) for the Chino Mine located in Grant County, New Mexico, is approved by the Director. The approval is for the construction and reclamation of the North Lampbright Leach Stockpile and approves the proposed closeout plan and financial assurance for the North Lampbright Leach Stockpile.

The Permit may not be transferred without approval by the Director. The Permit is subject to all conditions set out in the Director's Findings of Fact, General Obligations and Conditions, and Order.

By Order of the Director, Mining and Minerals Division, Energy, Minerals and Natural Resources Department, of the State of New Mexico.

By:



Albert Chang, Director
Mining and Minerals Division
Energy, Minerals and Natural Resources Department

Date:

5/9/2024