

State of New Mexico  
Energy, Minerals and Natural Resources Department

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**Michelle Lujan Grisham**  
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**Drew Roybal-Chavez**  
Deputy Director  
Mining and Minerals Division



March 18, 2026

Ms. Sherry Burt-Kested, Manager  
Freeport-McMoRan Chino Mines Company  
Environmental Services  
P.O. Box 10  
Bayard, NM 88023

**RE: MMD Technical Review Comments: Kessel Stockpile, Lampbright Far East Sump Project, and Response to Request for Additional Information Revision 24-2, 2024 CCP Update Chino Mine, Grant County, New Mexico, Permit No. GR009RE**

Dear Ms. Burt-Kested:

The New Mexico Mining and Minerals Division (“MMD”) has reviewed the following documents submitted as part of Revision 24-2 to Permit No. GR009RE for the 2024 Chino Mine Closure/Closeout Plan (“CCP”) Update:

- *Response to Request for Additional Information, Revision 24-2, 2024 CCP Update, Chino Mine, Permit No. GR009RE (“Response”), dated December 22, 2025, and prepared by Freeport-McMoRan Chino Mines Company (“Chino”);*
- *Freeport-McMoRan Chino Mines Company, Lampbright Far East Sump Upgrade Project, Mining Act Permit GR009RE, dated March 20, 2025, and prepared by Chino. This document has been included Amendment 1 to the Revision 24-2 Permit Application Package (“PAP”); and*
- *Freeport-McMoRan Chino Mines Company Permit GR009RE Closure Closeout Plan Amendment for Kessel Stockpile, dated November 4, 2025, and prepared by Chino. This document has been included as Amendment 2 to the PAP.*

MMD has reviewed amended PAP and found it to be *technically incomplete*. Please review the attached technical comments on the Application to be addressed in writing within 60 days of receipt of this letter.

MMD requests that Chino submit a draft form of the CCP Reclamation Cost Estimate (“RCE”) to allow MMD to begin review of the document ahead of a Technically Complete determination of the PAP. If sections of the RCE are not able to finalized due to unresolved issues with technical comments, Chino may include a list of calculations, designs, or reclamation activities

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that may be subject to change. RCE submittal should include electronic copies of the spreadsheets used to calculate the RCE in the form of an '.xlsx' file or similar Microsoft Excel compatible file, in addition to any relevant backup materials, plans, figures, or calculations.

If you have any questions regarding these determinations, please contact the permit lead for Permit No. GR009RE at (505) 470-5354 or [kevin.barnes@emnrd.nm.gov](mailto:kevin.barnes@emnrd.nm.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kevin Barnes', with a long horizontal flourish extending to the right.

Kevin Barnes  
Permit Lead, Mining Act Reclamation Program  
Mining and Minerals Division

enc: MMD Technical Comments

cc: David "DJ" Ennis, Mining Act Reclamation Program ("MARF") Program Manager  
Mariana Lafon, FMI  
Tyler Johnson, FMI  
Mine File (GR009RE)

## **MMD Technical Comments R2**

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#### **Amendment 1: Far East Lampbriht Sump Upgrade Project**

1. MMD has no additional comments regarding the Far East Lampbriht Sump Upgrade Project.

#### **Amendment 2: Kessel Stockpile Reclamation Plan and Reclamation Cost Estimate (“RCE”)**

1. MMD requests that FMI provide electronic copies for the spreadsheets used to calculate the RCE in the form of a .xlsx file or similar Microsoft Excel compatible file, in addition to any backup materials, plans, or calculations to explain FMI’s assumptions in calculating the RCE. MMD notes that this request will also apply to the Chino CCP RCE. MMD will continue review of the Kessel RCE once the requested files are received.
2. MMD notes in Section 4.0, FMI states “Reclaimed acres increase from 243 in the 2030 mine plan to 806 for the full buildout,” and in Section 2.2.2 of Appendix C it states that “reclamation progresses at a steady rate of about 200 acres per year” and estimates that reclamation of Kessel will last from the ninth to tenth years following closure. Please update Section 2.2.2 with an estimate of the time it will take to reclaim Kessel at full build-out in addition to the 2030 mine plan.
3. MMD notes that in the RCE for the Kessel Stockpile, the hauling of the 3,910,700 cubic yards of RCM is considered as one load & haul task from the Rubio Peak Stockpile to the Kessel, with dozer assistance (IDs 9003-B-b-Dz4, 9003-C-b-Ld2, and 9003-D-b-Tk1). The Kessel plans state that the Rubio Peak Stockpile will be constructed from materials excavated from the Kessel Stockpile footprint and has a design limit of 1,746,000 cubic yards. This would indicate that a substantial amount of RCM required to reclaim Kessel would not come directly from the Rubio Peak Stockpile, but from in-situ materials located elsewhere. The cost estimate should be updated to include tasks and costs associated with these additional mining and hauling activities given the different haul distances and challenges mining the in-situ material as opposed to a constructed stockpile. Please update the Kessel and Chino CCP RCE to account for this additional salvage required post-closure.
4. MMD notes that a portion of the Kessel footprint is located on lands managed by the US Department of the Interior, Bureau of Land Management (“BLM”). MMD requests figures clarifying the position of both the 2030 Kessel mine plan (5-year build considered under the CCP) and the ultimate build out with respect to BLM lands.
5. Please provide figures illustrating the haul routes and distances included in the RCE calculations for major earthwork activities at Kessel, especially where haul routes may diverge from simple distances between stockpile centroids. This request will also apply to the Chino CCP RCE.

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<b>Response to Request for Additional Information, Revision 24-2, 2024 CCP Update (December 22, 2025)</b>
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Note: MMD has only included relevant portions of FMI's comments for the sake of brevity below. Please refer to previous comment letters for context. If a specific comment is not included, please assume MMD has no further comment on that matter.

#### **1. Design limit change driven by Kessel Stockpile and Rubio Peak RCM Stockpile:**

*FMI: As previously discussed, Chino proposes that the entire Kessel Stockpile be subject to new unit standards. A separate closure plan for the ultimate Kessel configuration was provided to MMD on a letter dated November 4, 2025. The full buildout elevation and acreage are 7100 ft and 806 acres, respectively. Technical details for the five-year (EOY 2030) plan are included on sheets 6 and 8 in Appendix C and described in section 6.1.1 of the current CCP.*

MMD: No further comment.

*FMI: The original 192-acre Rubio Peak Reclamation Cover Material borrow area shown in Figure 2 of the 2020 Lampbright Rubio Peak Test Plot (As-Built Report) remains, with additional cover material salvaged from the Kessel Stockpile pad. No portion of the borrow area will extend beyond the proposed design limit expansion shown in Figure 13. Table 2 of Appendix E has been updated to reflect the 10,953,600 cubic yards of available Rubio Peak RCM. According to the 2016 Rubio Peak Formation Demonstration Plot As-Built Report, approximately 9,300,000 cubic yards of Rubio Peak material are present within the original 192-acre borrow area, calculated using the observed 30-foot formation depth. An additional 1,746,600 cubic yards of Rubio Peak material associated with the Kessel Stockpile pad will be placed in the 49-acre Rubio Peak RCM Stockpile. The base and maximum elevations of this stockpile are approximately 6,125 ft and 6,302 ft, respectively, consistent with the current Kessel Stockpile pad design. The total Rubio Peak material quantity was then reduced by a 1% rejection rate to account for oversized material that resulted in the available volume presented in Table 2. The Continental and Hanover Mountain Mine 2023 CCP identifies the use of 711,400 cubic yards of RCM from the Upper South Stockpile to support reclamation activities. The updated Table 2 in the Material Handling Plan provides the reclamation cover material balance for the North Mine Area and indicates an excess RCM volume of 13,073,900 cubic yards, including 7,787,900 cubic yards excess sourced from the Upper South Stockpile. Accordingly, sufficient RCM is available to complete reclamation at Continental and Hanover Mountain.*

MMD: MMD requests that FMI provide any additional data used to support the determination of a "minimum thickness of 30 feet", per the 2016 Rubio Peak As-Built, for the Rubio Peak Formation materials located in the 192-acre borrow area other than the observed surficial exposure. If no additional data is currently available, MMD requests a justification for the estimate of 9,300,000 cubic yards of available in-situ Rubio Peak Formation RCM materials based on borehole drilling data or geotechnical studies of the area. MMD would support conditionally approving this estimate based on an investigation of the formation area to be conducted at a later time as a condition of the Permit.

MMD notes that based on review of the 2016 Rubio Peak Formation Demonstration Plot As-Built ("As-Built"), it is unclear if the material to the west of the proposed Kessel Stockpile, shown as the Rubio Peak Flows (RPF) on Figure 2 of the As-Built, was tested as part of the test plot program which characterized the Rubio Peak Conglomerate (RPC). The RPF formation roughly corresponds with the footprint of the Kessel Stockpile, which FMI has estimated will yield 1,746,600 cubic yards of material to be stored in the Rubio Peak RCM Stockpile. That same Figure 2 shows 5 soil

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sample locations to the east of Reservoir 8 that were examined for soil suitability, but none appear to have been taken from materials to the west along the slopes of Santa Rita range, within the Kessel Stockpile footprint, or the RPF formation as shown on that Figure 2. FMI should provide any characterization data for any material that may be taken from the RPF formation area, as described above, that may be used wholly or in part with RPC materials that were already characterized. Use of materials not included in the As-Built and not presented before as RCM materials (e.g. Rubio Peak Flows, Sugarlump Tuff, Colorado Formation, etc.) will likely require a test plot program to show that these materials, individually or as a mixture, are appropriate RCM. MMD would support the initial stockpiling of these materials in the Rubio Peak Stockpile with a test plot program to follow at a later time as a condition of the Permit.

#### **2. Reservoir 9 expansion within permitted 9 stockpile footprint:**

*FMI: Reservoir 9 has been an existing mine facility used to store impacted storm water since before the original approved closeout plan and was formed by the construction of a large haul road between the headwaters of a natural drainage and the Santa Rita Open Pit. Chino previously permitted a 159-acre waste rock stockpile to be built in this same footprint when no longer needed to store water and the reservoir will remain within the approved Santa Rita beneficiation design limit. While the MMD Permit is silent regarding the capacity of Reservoir 9, it is currently permitted under NMED Discharge Permit DP-459 to store up to 15 million gallons. Chino has requested a modification to NMED DP-459 to increase the storage capacity of the Reservoir. Water will be pumped from the Santa Rita Open Pit to Reservoir 9 to store that water for future use while Chino mines the bottom of the open pit. This allows Chino to recycle this valuable resource and reduce the need for future freshwater pumping for its operations. Part of the request to NMED includes lining the footprint of the reservoir with clay material to prevent seepage back into the Santa Rita Open Pit.*

*Regarding the requirements for impoundments at 19.10.508.B, because the water to be stored is simply moved from the Santa Rita Open Pit, there is no change to the hydrologic balance. The reservoir is located within the Open Pit Surface Drainage Area (OPSDA) and the Area of Open Pit Hydrologic Containment (AOPHC) and therefore, there are no potential adverse impacts to adjoining property. 19.10.5.508B(6) includes performance standards for earthen embankments “not subject to the jurisdiction of the Mine Safety and Health Administration or the State Engineer”. As part of Chino Mines, Reservoir 9 and its large “embankment” has been and will continue to be subject to the Mine Safety and Health Administration and therefore these standards are not applicable.*

*Chino is also currently permitted to construct the 9 Waste Rock Stockpile over the Reservoir 9 footprint when it is no longer needed to store water. This is currently not projected to occur in the next 5 years and therefore this CCP includes the reservoir surface being reclaimed at closeout on Sheets 3 and 18 of Appendix C. The surface of the reservoir and the haul road fill will be covered and revegetated.*

MMD: While Chino has not included plans to construct the 9 Waste Rock Stockpile in the 2030 mine plan, MMD recommends including reclamation costs for this stockpile in the Chino RCE, rather than just the costs of reclaiming Reservoir 9. This will avoid a situation in which Chino may require the construction of the Stockpile, but not have adequate financial assurance in place, requiring revision of the RCE and the mine permit.

Table 1 of Appendix E should be updated to include the RCM requirements for either Reservoir 9 or the 9 Waste Stockpile, as appropriate.

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#### **3. Southwest Lampbright Waste Rock Stockpile Buttress per recent modification:**

MMD: No further comment.

#### **4. Additional PMLU of Water Management:**

*FMI: Water Management PMLU*

*The proposed water management PMLU is adjusted to include the following:*

- Operation of a Water Treatment Plant in the vicinity of the Ivanhoe Concentrator*
- Tailing Pond 7 Interceptor System*
- Tailings Reclaim water pipelines and pipeline corridor*
- Lampbright Area Interceptor Well*
- West stockpile interceptor well system*
- Tanks at each collection point and interconnected pipelines*
- Ivanhoe Concentrator Tank*
- 750,000-gallon tank*
- Roads to connect each collection point*

*Areas within conditional waiver areas approved in 2003 and within current open pit limit are removed. This is illustrated in the revised Figure 11 of the Main CCP.*

MMD: MMD supports the inclusion of the above nine items in the definition of a Water Management PMLU for the Chino Mine. No further comment.

*FMI: Conceptual Salt Disposal Area*

*The proposed salt disposal area is a conceptual design for financial assurance purposes. The CCP is not a final design; this facility could be moved to other sites if they offer better final design features at closure. The top of the West Stockpile was only a placeholder that would yield a representative financial assurance calculation. Salt could be located anywhere in which the salts can be managed and covered (not reclaimed but covered to prevent erosion and salt dissolution) about once per year.*

*Telesto calculated that the volume of salt generated could be stored within the area of the West Stockpile shown on Appendix G Figure 2; however, this may not be the best location considering surrounding reclamation, potential run-on issues and the need to avoid impacts to slopes and the Waiver area toward the Santa Rita Open Pit. Since the West Stockpile location generated the above final design-level questions, Chino proposes relocating the salt disposal facility for this conceptual design to the top surface of the North In-Pit Leach Stockpile and North Waste Rock Stockpile. A conceptual design of this facility is provided in revised Appendix C Sheet 11 and Figure 2 of Appendix G.*

MMD: MMD does not take issue with the relocation of the salt disposal facility to the North In-Pit Leach and Waste Rock Stockpiles given the cited issues. Given that future mine plans may continue to shift the best location of the salt disposal facility, MMD requests that the planned location of this facility be reconsidered and updated in each 5-year CCP update.

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MMD notes that the CCP, specifically Appendix G, does not address why FMI has shifted the water treatment plan design to include an enhanced evaporation system for treatment of High TDS waters in Years 6-100. MMD requests that FMI prepare additional justification for the operation of the open evaporation and salt disposal facilities inside the permit area for high TDS waters in addition to the operation of the water treatment facility for low TDS waters at closure as part of the CCP RCE. This justification should compare the costs of operating both treatment options versus solely running all water through the water treatment facility, compare the amount of treated water that may be put to some beneficial use, and include any other relevant justification for the design change. This justification should focus on Year 6-100 of the treatment plan and does not need to address recirculation of process solutions on the South, Main Lampbright, and South Lampbright stockpiles considered in Years 1-5.

#### **5. Pit safety: rely on the Water Management PMLU for the pit and utilize existing berms, active monitoring, and restricted controlled access:**

*FMI: The pit safety plan continues to comply with the intent of protecting public safety in the referenced permit section. However, Chino requests that this section be updated/clarified as part of this permit revision.*

*For example, the referenced revision language allows berms and/or chain link fences around a pit for safety purposes. Chino maintains a berm between the pit and adjacent access roads that meets the requirement described in the referenced section of the permit. However, for portions of the pit without access roads—such as where pit highwalls intersect steep terrain- it is neither safe nor practical to construct or maintain a berm. Therefore, it is not accurate to state that the entire circumference of the pit would have a berm. We recommend revising the language to state that areas accessed by workers will have a berm.*

*Chino no longer proposes/supports the inclusion of a 6-foot chain link fence around the open pit. The perimeter fence and signage surrounding the entire mine is an appropriate measure to restrict, warn and control public access, not a fence at the edge of the pit. Public should not be near the open pit or accessing stockpiles and infrastructure.*

*The site will be staffed with operations and maintenance personnel and will be actively monitored and controlled. Combined with perimeter fencing and signage, these measures ensure these areas are not accessed by the public. The phrase cited in MMD's comment ("rely on water management PMLU") was intended to convey that the site would be actively managed, which is part of an effective control of ensuring public safety.*

*The paragraph below is for clarity and additional details for page 48 of the CCP, Section 11:*

*"Pit safety will be managed through active site monitoring, restricted access, and existing perimeter controls. Berms will be maintained in areas where workers or equipment have access, such as along adjacent roads, consistent with permit requirements. In locations where pit highwalls intersect steep terrain and no access roads exist, constructing berms is neither safe nor practical. The site will remain staffed and actively monitored, and perimeter fencing with signage will restrict public access. These measures collectively ensure compliance with the intent of protecting public safety."*

MMD: MMD supports the revised language for pit safety.

#### **6. Rubio Peak materials changed from a conditional to an approved RCM:**

MMD: Rubio Peak Conglomerate materials, which was characterized as part of a test plot program, is supported by MMD for approval as an RCM at Chino. However, other materials within the Kessel stockpile footprint are not approved as no characterization data has been provided to MMD and will likely require a test plot program prior to approval.

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#### **8. Pit Waiver modified to accommodate Water Management PMLU and encompass all highwalls and stockpiles slopes within the OPSDA:**

*FMI: Chino agrees that the Pit and Stockpile waivers should not be modified to include the Water Management PMLU. Figure 11 of the Main CCP and Sheet 9 of Appendix C were revised to remove the Water Management PMLU from within the pit and stockpile waiver areas.*

*The Pit waiver area has been slightly expanded to include the current limits of the Santa Rita Open Pit highwalls (see attached drawing titled NMA Pit Boundary/Waiver). For comparison, the original 2003 open pit waiver area is also shown in this figure. This drawing also shows the original stockpile waiver areas and the current stockpile slope waiver areas proposed for the West, South and Upper South Stockpiles based on the projected 2030 post-closeout Open Pit Surface Drainage Area (OPSDA).*

*The Upper South Stockpile proposed waiver area is similar to that approved for the 2018 CCP update. Overall, the open pit waiver area has increased by approximately 45 acres compared to the 2003 approved waiver area (1,900 acres). Chino is relying on the same waiver justifications as provided in 2003 which are still relevant. The stockpile slope waiver areas have changed due to stockpile height and changes resulting from the implementation of the OPSDA in the Copper Rule.*

MMD: MMD supports this interpretation of the waiver area.

#### **Appendix E: Material Handling Plan 2024 Update “MHP”**

*FMI: Per the updated Table 2 in the Material Handling Plan, the anticipated volume of material stored in the Rubio Peak RCM Stockpile is approximately 1,746,600 cubic yards. This material is expected to support reclamation of both the 5-year and ultimate Kessel build-out configurations, which require 1,176,100 cubic yards and 3,910,700 cubic yards of RCM, respectively. Because the stockpiled volume alone is not sufficient to fully reclaim the Kessel area, additional in-situ Rubio Peak material will be used to complete reclamation of the remaining Kessel and Lampbright stockpiles. Table 1 of the Material Handling Plan has been updated to incorporate Kessel and presents the total RCM volume required to reclaim the Chino North Mine Area. As described above and in Table 2 of Appendix E, it is estimated that there is 10,953,600 cubic yards of total Rubio Peak material available. According to the 2016 Rubio Peak Formation Demonstration Plot As-Built Report, approximately 9,300,000 cubic yards of Rubio Peak material are present within the original 192-acre borrow area, calculated using the observed 30-foot formation depth. An additional 1,746,600 cubic yards of Rubio Peak material associated with the Kessel Stockpile pad will be placed in the 49-acre Rubio Peak RCM Stockpile. The total Rubio Peak material quantity was then reduced by a 1% rejection rate to account for oversized material that resulted in the available volume presented in Table 2.*

MMD: Please refer to comment 1 above.

*FMI: Chino prepared the attached calculation set to further demonstrate the statistical basis for the proposed reduction in sampling frequency. Data used in the analysis is included in the excel sheet titled MHP Statistical Analysis Data. Given the volume of data, Chino will distribute the file electronically via email.*

*The Material Handling Plan (MHP) relies on percent sulfur to identify material suitable for use as potential Reclamation Cover Material (RCM). Specifically, material with sulfur content less than 0.15 percent is initially classified as suitable. A subset of this material is then analyzed for paste pH to verify compliance with paste pH acceptance criteria.*

*When a sub-set of a larger sample population results in the same population representation (i.e., cumulative distribution function and parametric variables like median), then the sub-set is representative of the larger sample population. The intent of Figure 1 is to show that the sub-set of the sample population adequately*

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*represents the entire population. Ergo, a reduction in sampling frequency adequately identifies the percent sulfur in the overall sample set.*

*The corollary to this statement is that the samples with percent sulfur above 0.15% result in pH values lower than 5. Thus, removing the data for which there is high certainty that it will not be RCM ensures that the sample data set analyzed is more representative of RCM. Thus, the cutoff is not critical in itself but rather serves as a screening threshold to define the population evaluated in the analysis.*

*See Golder's 2006 Material Handling Plan South Pit Area report for the original data and relationship that all samples of RCM with % S below 0.15% have paste pH's above 5. These are the data presented in Figure 5.*

*The percent sulfur data shown in Figure 1 of our response was based upon all of Chino's available blasthole data, and identified which materials would be classified as RCM (i.e., all with sulfur contents below 0.15%). The original data comparing paste pH to percent sulfur shows that paste pH will always be above 5 (Figure 5). Thus, Chino used the percent sulfur as a surrogate for paste pH to estimate effects of reducing the sampling frequency because there is more data available. Figure 6 shows the exercise in population estimates based on a log-normal distribution.*

**MMD:** MMD acknowledges this justification and supports the requested reduction of sampling frequency.

*FMI: Chino clarifies that they will segregate >3 feet-diameter rock fragments prior to placing new RCM material in RCM stockpiles.*

**MMD:** No further comment.

*FMI: Chino acknowledges MMD's preferred characteristics but will continue to rely on the textural criteria in Tables 5 and 6, which reflect the properties of locally available reclamation cover materials. Chino will continue to submit any proposed future RCM that does not meet the 2022 MMD Soil Guidelines to MMD's rigorous characterization and testing process.*

**MMD:** No further comment.

*FMI: The RCM balance in Table 2 incorporates the portion of the Upper South material identified as unsuitable for use as RCM in Golder's 2006 Supplemental Materials Characterization for the Upper South Stockpile. An additional 7% rejection rate is applied to account for chemical exclusion and oversized material. Of this, 2% reflects anticipated rejection due to historic plating of haul roads constructed with sulfate-bearing materials. This assumes that a 6-inch layer of plated material over each 30-foot lift will require removal.*

*Chino proposes to provide MMD with a Material Handling Plan for the RCM stockpiles as a condition of the issued permit. Chino's experience reflecting the relative ease Tyrone and Chino have experienced managing the borrow sites from either shovel pits and/or stockpiles to visually select appropriate material for cover during reclamation of test plots and/or actual reclamation projects can be incorporated in the stockpile specific MHPs.*

**MMD:** MMD supports the creation of a separate Material Handling Plan ("MHP") for all RCM materials at Chino as described as a condition of Revision 24-2, in addition to an updated MHP for In-Pit Materials.

*FMI: See response to Comment 1 above for unsuitable RCM percentages for the Upper South Stockpile. A 5% and 1% rejection rate is applied to the STS2 and Rubio peak RCM quantities respectively to account for oversized material.*

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*The available RCM quantities for STS2 and Upper South Stockpile in Table 2 were taken from the Permit GR009RE Technical Comments on Revision Application 18-1 for the Updated Closure Closeout Plan submitted to MMD on April 15, 2018. Updated cut/fill analyses completed in AutoCAD for STS2 and Upper South indicated substantially higher available quantities than were previously reported. These updated volumes were developed by generating cut/fill reports in AutoCAD using the base elevations that represent the point at which RCM material begins within each stockpile, compared against current surface topography. The resulting calculated volumes are approximately 10.7 million cubic yards for STS2 and 31.6 million cubic yards for the Upper South. However, to maintain consistency with values historically reviewed by MMD, Chino will continue to use the previously reported (lower) RCM quantities.*

*These quantities have been updated in the attached Table 2 to reflect the following:*

- Updated Rubio Peak Cover Material quantities discussed in primary Comment 1 and Material Handling Plan Comment 3*
- Rejection rates discussed in Comment 1 and the first additional comment on the MHP*
- Relocation of the Whitehouse material to STS2 completed in March 2024*

MMD: MMD concurs that previously approved values for the STS2 and Upper South Stockpiles in Table 2 should continue to be used. If FMI wishes to use newly calculated values for these stockpiles, sufficient justification for the volume calculations will need to be provided.

*FMI: Chino is not including a revised Material Handling Plan as part of this response to comments. Chino proposes to provide MMD with a Material Handling Plan for the RCM stockpiles as a condition of the permit.*

MMD: No further comment.

### **MMD General Comments:**

Original MMD comment: 1. MMD requests that the Legend section for each Figure or Sheet in Appendix C or elsewhere include explanations of all symbols present, even if the symbol is described on another Figure or Sheet.

*FMI: The drawing sheets and figures have been updated to address this comment.*

MMD: MMD appreciates the updated figures. No further comment.

Original MMD Comment: 2. Sheet 3 of Appendix C depicts the Northeast Stockpile within the Pit boundary area. MMD does not concur that the Northeast Stockpile is within the Pit Perimeter. Please revise the depiction of the Pit Perimeter in Sheet 3 and any other applicable figures in the Application or provide a justification for this determination.

*FMI: The current pit limit is corrected on the referenced drawing sheet and other pertinent figures (see attached drawings and figures).*

MMD: No further comment.

Original MMD Comment: 3. MMD notes that the 2003 Conditional Approval of Waiver Request (“Waiver”) bases the boundaries of the waste unit waiver areas on the Open Pit Capture Zone (OPCZ), a conceptual boundary that has since fallen out of use by the State of New Mexico. In closeout plans approved since the approval of the Waiver, the OPCZ has been supplanted by the Open Pit Surface Drainage Area (OPSDA) to determine the boundaries of waste unit waiver areas on the South, West, and Northeast stockpiles. MMD

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recommends amending the Waiver to formalize the use of the OPSDA boundary for determining what outcrops are reclaimed on the South, West, and Northeast stockpiles.

*FMI: Please see response to Comment 8 above.*

MMD: No further comment.

Original MMD Comment: 4. MMD requests that FMI begin providing separate annual updates of the pit waiver area as it expands due to mining operations.

*FMI: Chino agrees that updates of the pit and stockpile waiver areas are useful, but recommends the agency consider whether annual updates are truly necessary. Chino believes that updating them in conjunction with the 5-year CCP updates is sufficient.*

MMD: Given the likelihood of regular changes to the Chino pit perimeter (and the difference between the pit perimeter boundary and waived area boundary of the West Stockpile and South Stockpile), MMD reiterates its request for annual updates of the pit waiver and stockpile waiver areas as part of the Annual Report submittal. Permit language requiring these updates will likely be modelled after applicable language in Section 9.S of Revision 9-1 to Permit No. GR010RE.