

State of New Mexico  
Energy, Minerals and Natural Resources Department

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Deputy Director  
Mining and Minerals Division



**Electronic Transmission**

May 1, 2026

Stephen Crosby  
New Mexico Copper Corporation  
P.O. Box 4029  
Truth or Consequences, New Mexico 87901

**RE: Comments on the Amended MORP for the Copper Flat Mine, Sierra County, NM,  
Permit No. SI027RN**

Dear Mr. Crosby,

The New Mexico Mining and Minerals Division (MMD) received the Amended Mining Operation and Reclamation Plan (MORP) for the Copper Flat Mine, including the associated reports and appendices, and has the following comments. The Amended MORP and other documents were also distributed to the reviewing State agencies. Their comments are summarized in the table below, and their comment letters are attached as separate documents.

**MMD Comments**

<b>Reference</b>	<b>Comment</b>
Updated PHC Analysis	Please update figures 3-1 and 3-5 to show all nearby wells and production wells with labels, as in Fig. A-1.
Appendix E – Mine Reclamation and Closure Plan Sec. 4.2	The second paragraph of Section 4.2 on page 17 as well as the first bullet point under 2.4.2 reference a 6-month time frame to fill the pit to an equilibrium state, while other documents reference a rapid fill of 2.6 years. Please address this discrepancy.
Appendix E – Mine Reclamation and Closure Plan Sec. 2.8.1	The first bullet point under Section 2.8.1 on page 24 indicates that on-site power poles may be left in place to the extent possible as bird perching sites. MMD will require on-site power poles to be removed and requests that this is indicated in the reclamation cost estimate.

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### Other Agency Comments

Agency	Reference	Comment
HPD	N/A	HPD indicates that the area has been previously surveyed and that there are several archaeological sites within the permit area, as well as a potential historic district. HPD also indicates there is Programmatic Agreement in place between BLM, HPD, SLO, and NMCC. No response to comment required.
NMED	MORP Sec. 2.2.5 and Pre-Feas. Eng. Des. Rep. CSTF Sec. 4.2	Please address the discrepancy between the two referenced sections. The MORP indicates the salvaged tailings will be a base for the CSTF liner while the Pre-Feasibility Engineering Design Report CSTF indicates that tailings will be removed and stockpiled for future use as underdrain pipe bedding or filter material.
NMDW	MORP Update with Dry Stack Tailings	Please address the potential for contact water within the CSTF's stormwater and seepage collection pond to be hazardous to wildlife, and if necessary, how NMCC will limit terrestrial and volant wildlife access to the CSTF's stormwater and seepage collection pond.
NMDW	MORP Update with Dry Stack Tailings	Please address the request for a long-term mitigation plan to protect migratory birds and local wildlife if the water quality in the pit lake becomes toxic overtime. NMDW suggests that this could include a combination of exclusionary fencing and bird balls.

If you have any questions or wish to discuss, please contact me at (505) 490-0967 or [evan.owen@emnrd.nm.gov](mailto:evan.owen@emnrd.nm.gov).

Sincerely,



Evan Owen, Permit Lead  
Mining Act Reclamation Program

cc: David "D.J." Ennis, MMD

Attachments: HPD Comments, dated February 4, 2026  
NMED Comments, dated February 2, 2026  
NMDW Comments, dated March 16, 2026



## New Mexico Historic Preservation Division

407 Galisteo Street, Suite 236  
Santa Fe, NM 87501  
Telephone: (505) 827.6320  
Email: [nm.shpo@dca.nm.gov](mailto:nm.shpo@dca.nm.gov)

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2/4/2026

Evan J. Owen  
Reclamation Specialist  
Mining and Minerals Division  
NM Energy, Minerals, and Natural Resources Dept.  
[evan.owen@emnrd.nm.gov](mailto:evan.owen@emnrd.nm.gov)

RE: HPD Log 127094 Request for Review and Comments, Copper Flat Mine Application SI027RN

VIA EMAIL ONLY

Dear Mr. Owens:

Thank you for contacting the New Mexico State Historic Preservation Office (SHPO) with your request for review and comments on the Copper Flat Mine Application SI027RN, from the New Mexico Copper Company. The Mine Application is for an amended MORP. We received the information on December 19, 2025, via email. There is a 60-day review period for this request.

The proposed operations are located within an area that has been previously surveyed. There are a number of archaeological sites within the permit area, as well as a potential historic district—Animas Hills Historic District.

A review of the amended MORP indicates the expansion is within land owned by the BLM. A further review of documents held by our office indicates there is a Programmatic Agreement in place—**Programmatic Agreement Among Bureau of Land Management, Las Cruces District Office, New Mexico State Historic Preservation Officer, New Mexico State Land Office, And Thematic Resources Group Limited/New Mexico Copper Corporation Regarding Resolution of Adverse Effects to Historic Properties From the Copper Flat Mine, Hillsboro, New Mexico**. I recommend contacting the BLM regarding this project.

Please let me know if you have any questions or concerns. I can be reached at [cortney.wands@dca.nm.gov](mailto:cortney.wands@dca.nm.gov) or (505) 476-1341.

Sincerely,

A handwritten signature in blue ink that reads "Cortney Wands".

Cortney Wands  
State Archaeologist

cc: Trinity Miller  
Archaeologist  
Bureau of Land Management

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**RE: Request for Review and Comments, Copper Flat Mine Application with Amended MORP (SI027RN)**

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**From** Anderson, Jordan, ENV <Jordan.Anderson@env.nm.gov>

**Date** Wed 2/11/2026 5:06 PM

**To** Owen, Evan, EMNRD <Evan.Owen@emnrd.nm.gov>

**Cc** Reid, Brad, ENV <brad.reid@env.nm.gov>; Rheubottom, Amber, ENV <Amber.Rheubottom@env.nm.gov>

Good afternoon Evan,

NMED has one comment on the Copper Flat MORP.

Section 2.2.5 of MORP states: The under-stack liner system will be the same as the 2017 MORP for the wet tailings storage, including installation of an 80-mil high density polyethylene (HDPE) liner system, or an equivalent. The liner will be installed on a base of at least 12 inches of tailings salvaged from the existing 1982 tailings, or equivalent local material if the supply of existing tailings is exhausted.

Section 4.2 of the report titled, *Pre-Feasibility Engineering Design Report Cake Stack Tailings Facility (CSTF)*, dated March 17, 2025, states: The dam (1,973,000 yd<sup>3</sup>) and remaining tailings (2,185,100 yd<sup>3</sup>) from the Quintana operations will be removed and stockpiled for future use as underdrain pipe bedding or filter material.

The Applicant should address this discrepancy.

Please let me know if you have any questions or concerns.

Thank you,  
Jordan Anderson, Permit Lead  
Mining Environmental Compliance Section  
Cell: (505) 660-8908

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**From:** Owen, Evan, EMNRD <Evan.Owen@emnrd.nm.gov>

**Sent:** Friday, December 19, 2025 4:27 PM

**To:** Fox, Joseph, ENV <Joseph.Fox@env.nm.gov>; Anderson, Jordan, ENV <Jordan.Anderson@env.nm.gov>

**Subject:** Request for Review and Comments, Copper Flat Mine Application with Amended MORP (SI027RN)

Hello Joe and Jordan,

Please see the attached letter requesting review and comments for the Copper Flat mine application.

Thanks,

Evan



**Evan J. Owen**

Reclamation Specialist  
Mining and Minerals Division  
NM Energy, Minerals, and Natural Resources Dept.  
1220 S. St. Francis Dr.  
Santa Fe, NM 87505  
(505) 490-0967  
[evan.owen@emnrd.nm.gov](mailto:evan.owen@emnrd.nm.gov)

GOVERNOR  
Michelle Lujan Grisham



DIRECTOR AND SECRETARY  
TO THE COMMISSION  
Michael B. Sloane

## STATE OF NEW MEXICO DEPARTMENT OF WILDLIFE

One Wildlife Way, Santa Fe, NM 87507

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Albuquerque

16 March 2026

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

***RE: Copper Flat Mine, Amended Mining Operation and Reclamation Plan, New Mexico Copper Company, Sierra County, New Mexico. Permit No. SI027RN; NMDGF No. NMERT-5448.***

Dear Mr. Owen,

The New Mexico Department of Wildlife (Department) has reviewed the amended Mining Operation and Reclamation Plan (MORP) prepared by Copperhead Enterprises, Inc. for New Mexico Copper Company (NMCC). Staff from the Department, MMD, New Mexico Environment Department, U.S. Bureau of Land Management, and NMCC conducted a site inspection on 6 March 2026.

As a Cooperating Agency and during MMD's original permitting and agency project review process, the Department submitted a significant number of comment letters and attended numerous Cooperating Agency meetings with NMCC.

The proposed amendment to convert mining operations from a conventional wet tailings storage facility to a dry stacking storage facility should reduce negative impacts to wildlife and ecosystems provided that the monitoring, maintenance, and concurrent reclamation of the dry stacking facility is strictly adhered to. Toxic wet tailings ponds can pose a significant hazard to wildlife, especially migratory water birds. Dry stacking would effectively eliminate this hazard.

Surface water runoff from the dry stacking facility will be contained in a contact water pond. The Department is concerned that the contact water pond might contain contaminated water that is potentially hazardous to wildlife. The Department requests that NMCC address the potential for contact water within the pond to be hazardous to wildlife and, if necessary, identify what measures will be taken to exclude both terrestrial and volant wildlife from accessing the pond.

The 2017 MORP required 6,100 acre-feet of water per year to support mining operations. Under the amended MORP, annual groundwater pumping to support mining operations would be reduced to 1,050 acre-feet per year. The Department had expressed significant concerns with the 2017 MORP and the potential impacts to the perennial flow and riparian zone of Las Animas

Creek resulting from a projected groundwater drawdown beneath the creek of over 40 feet. Groundwater drawdown beneath Las Animas Creek in the amended MORP is projected to be approximately 6 feet. While the Department still has concerns about potential impacts to the creek's stream flow, the proposed 80 percent reduction in groundwater pumping should reduce the potential for significant impacts to Las Animas Creek.

Long-term post-mining pit lake water quality continues to be a concern for wildlife. NMCC proposes that "The first 2.6 years of the 100-year phase has rapid fill of the pit lake to prevent oxidation of sulfates below the pit lake water line, thus optimizing pit lake water quality". While this strategy may be effective in the short-term, the Department still has concerns about pit lake water quality in the long term. Since the open pit is a hydraulic sink and groundwater recharge from local precipitation to the crystalline bedrock is limited because of its low hydraulic conductivity, any metal leaching that occurs from the surrounding high walls and mining area into the pit lake could concentrate over time if the evaporation rate exceeds the recharge rate from local precipitation. This condition will be exacerbated if local climate conditions become hotter and drier in the future. NMCC should have a long-term mitigation plan in place to protect migratory birds and local wildlife if the water quality in the pit lake becomes toxic over time. This could include a combination of exclusionary fencing and bird balls.

Thank you for the opportunity to provide comments on the amended MORP. If you have any questions, please contact Ron Kellermueller, Mining and Energy Habitat Specialist, at (505) 270-6612 or [ronald.kellermueller@dgf.nm.gov](mailto:ronald.kellermueller@dgf.nm.gov).

Sincerely,

**Virginia Seamster**  
Digitally signed by Virginia Seamster  
Date: 2026.03.16 10:15:20 -06'00'

Virginia Seamster, Ph.D.  
Assistant Chief for Technical Guidance  
Wildlife Management Division, Ecological and Environmental Planning Section

cc: USFWS NMES Field Office