



**FREEPORT-McMoRAN  
COPPER & GOLD**

Tyrone Operations  
P.O. Drawer 571  
Tyrone, NM 88065

April 9, 2009

**Certified Mail #70082810000241386820**

**Return Receipt Requested**

Mr. Holland Shepherd  
New Mexico Energy, Minerals and Natural Resources Department  
Mining and Minerals Division  
Mining Act Reclamation Program  
1220 South St. Francis Drive  
Santa Fe, New Mexico 87505

Dear Mr. Shepherd:

**Re: Mine Permit GR010RE Revision Application – Closeout Plan Update**

Freeport-McMoRan Tyrone Inc. (Tyrone) is submitting this letter and accompanying attachments to the Mining and Minerals Division (MMD) to comply with the requirements of Condition 9.S. of Permit GR010RE Revision 01-1. The permit condition requires Tyrone to submit a revised Closeout Plan to MMD by April 11, 2009. This submittal includes a fee of \$7,500.00 as required by 19.10.2.201.K(6) NMAC and six electronic copies of the revised Closure/Closeout Plan (CCP). A certification as required by 19.10.5.502.C NMAC and evidence of public notice actions as required by 19.10.9.903 NMAC are included.

The updated Closure/Closeout Plan for the Tyrone mine was submitted to the New Mexico Environment Department (NMED) and the MMD on October 11, 2007. The MMD provided written comments on the CCP update primary issues in a joint agency (with NMED) letter dated April 29, 2008. Tyrone responded to the agencies' primary concerns with the CCP in a June 23, 2008 letter, but has not received a formal reply to those responses from either the MMD or NMED.

It is Tyrone's view that the permit renewal application for DP-1341 submitted to the NMED, which includes the CCP update submitted October 11, 2007, along with subsequent correspondence related to the plan, is technically adequate and sufficient to form the basis for a financial assurance cost estimate. The renewal application includes the October 11, 2007 CCP update document, the information referenced therein, and the subsequent correspondence, information and reports submitted by Tyrone, all of which are incorporated herein by this reference. Tyrone believes this application to revise Permit GR010RE is administratively complete. Tyrone recognizes that certain issues must be resolved in order to finalize the revision of the closeout plan for Permit GR010RE.

The updated CCP is based largely upon the requirements set forth in the DP-1341 and GR010RE. The cost estimate that accompanies the CCP reflects the costs of labor, construction, materials, energy and other major cost components as of mid-2007. The updated CCP does not

Mr. Holland Shepherd

April 9, 2009

Page 2

provide for reclamation of the stockpiles located inside the Surface Water Capture Zone as defined in the plan. The runoff from these areas will flow into the Main Pit, be removed by pumping and then treated prior to release as proposed in the closeout plan.

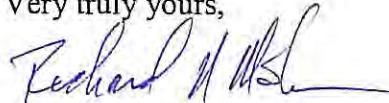
Tyrone has been granted a conditional waiver from achieving a self-sustaining ecosystem within Main Pit, Savanna Pit, Gettysburg Pit and Copper Mountain Pit. As discussed in prior correspondence and based upon the information submitted in support of the existing waiver, as supplemented by the October 11, 2007 updated CCP and the additional information supplied by Tyrone since then, the conditions of the waiver have been met. The waiver continues to be justified on the grounds that reclamation of the waived open pits and stockpiles slopes within the Surface Water Capture Zone to achieve a self-sustaining ecosystem is not technically and economically feasible. Tyrone reserves the right to supplement its request for a waiver based on further discussions with MMD and as additional information, such as updated and additional cost estimates, is developed.

The updated costs are presented on a nominal (current dollar) basis and have not yet been converted to a net present value of future costs that would reflect the amount of financial assurance required. That conversion is expected to take place after the MMD and NMED approve the updated cost estimate and the proposed inflation and discount factors to be used in the net present value calculation. Tyrone will finalize the financial assurance amount when these issues have been resolved.

Tyrone is diligently working with MMD and NMED to identify and to ultimately resolve mine closeout issues based on technical discussions. Following review of the application by your staff, Tyrone requests the opportunity to meet with your staff and to respond to any questions or comments.

Tyrone reserves the right to supplement this application based upon the results of continuing discussions or as new information is developed. Please contact the undersigned regarding scheduling. Tyrone appreciates your consideration of the enclosed application and updated CCP and looks forward to further discussions with the objective of reaching agreement on the permit revision.

Very truly yours,



Richard N. Mohr  
General Manager

RNM:cj  
Attachments  
20090408-100

c. Clint Marshall





**FREEPORT-McMoRAN**  
**COPPER & GOLD**

Tyrone Operations  
P.O. Drawer 571  
Tyrone, NM 88065

April 9, 2009

Certified Mail #70082810000241386837

Return Receipt Requested

Mr. David Otori  
New Mexico Energy, Minerals and Natural Resources Department  
Mining and Minerals Division  
Mining Act Reclamation Program  
1220 South St. Francis Drive  
Santa Fe, New Mexico 87505

Dear Mr. Otori:

**Re: Certification Requirement of 19.10.5.502(C) for Applications**

Freeport-McMoRan Tyrone Inc. (Tyrone) is submitting a revised closeout plan for the Tyrone Mine as required by Condition 9.S of Permit GR010RE. The revised closeout plan (CCP) was prepared in 2007 and previously submitted to the Mining and Minerals Division and to the New Mexico Environment Department on October 11, 2007. Tyrone believes the revision application and the CCP meet all the requirements of the New Mexico Mining Act rules and is administratively complete. An application fee of \$7,500.00 is being submitted in accordance with 19.10.2.201.K(6) NMAC.

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.

Very truly yours,

Richard N. Mohr  
General Manager

RNM:cj  
20090408-101

PD



Phelps Dodge is a Freeport McMoRan Company

CHECK NUMBER: 646169

CHECK DATE: 04/02/2009

SUPPLIER NUMBER: 71193K

As payment agent for and on behalf of:

\*\*\*AP Help Desk Phone 602-366-8200 Fax 602-453-1639 E-mail PHX-FSS\_AP@FMI.com or vip.phelpsdodge.com\*\*\*

INVOICE NUMBER	INVOICE DATE	PURCHASE ORDER	COMPANY	TELEPHONE NUMBER	GROSS AMOUNT	DISCOUNT AMOUNT	NET AMOUNT
033009	03/30/2009		FREEPORT-MCMORAN TYR ANNUAL FEE MMD PERMIT GR010RE CLOSEOUT PLAN R 9.5		7,500.00	0.00	7,500.00

CHECK TOTAL

7,500.00 0.00 7,500.00

DETACH BEFORE CASHING

Page: 1 of 1

VERIFY THE AUTHENTICITY OF THIS MULTI-TONE SECURITY DOCUMENT.

CHECK BACKGROUND AREA CHANGES COLOR GRADUALLY FROM TOP TO BOTTOM.



Bank of America, N.A.  
Atlanta, DeKalb County, Georgia

64-1278  
611

NO. 646169

CHECK DATE  
04/02/2009

NET AMOUNT  
\*\*\*\*\*\$7,500.00

PAY Seven thousand five hundred and 00/100 Dollars

TO THE ORDER OF

STATE OF NEW MEXICO  
ENERGY MINERALS & NAT RSRCS M&M  
1220 S ST FRANCIS DR  
SANTA FE NM 87505 US 646169

AUTHORIZED SIGNATURE

1

⑈646169⑈ ⑆061112788⑆ 3299998445⑈

THE ORIGINAL DOCUMENT HAS A WHITE REFLECTIVE WATERMARK ON THE BACK.

HOLD AT AN ANGLE TO SEE THE MARK WHEN CHECKING THE ENDORSEMENTS.



**FREEPORT-McMORAN  
COPPER & GOLD**

Tyrone Operations  
P.O. Drawer 574  
Tyrone, NM 88065

April 8, 2009

Dear Tyrone Mine Neighbor:

**Re: Tyrone Mine Permit GR010RE  
Notice of Application to Renew Closeout Plan**

Attached is a public notice of our application to revise New Mexico Energy, Minerals and Natural Resources Department, Mining and Minerals Division (MMD) permit number GR010RE for the Tyrone Mine. This permit covers operation and closeout of the mine under the New Mexico Mining Act and its associated rules.

The application will be to revise the permit to incorporate a revised mine closeout plan. MMD rules require the applicant to provide notice of the revision application to the local public, including nearby property owners, prior to submittal of the application to the MMD. The closeout plan renewal application is due to the MMD on or before April 11, 2009.

**Please note, the MMD rules require us to send this notice via certified mail. With this permit revision, Tyrone is not proposing a change to existing mining activities, an expansion of mining activities, or any other change that would impact you or your property. This revision is part of a routine process that will occur every five years.**

If you have any questions or concerns regarding the application or any other environmental issue, please contact me at (575) 538-7102.

Sincerely,

Timothy E. Eastep, Manager  
Environment Land & Water

TEE:cj  
Attachment  
20090406-115



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APR - 8 2009

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David C. & Mary Dee Estes  
 215 E. 7th Street  
 Safford, AZ 85546

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David R. Woodward  
 P.O. Box 231  
 Tyrone, NM 88065

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Jason & Julie Turner  
 PO Box 1218  
 Silver City, NM 88061

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Rebecca Hamilton, Trustee  
 Holman Family Trust  
 1180 Keats Street  
 Manhattan Beach, CA 90266

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Gordon Headlee Jr  
 PO Box 5091  
 Silver City, NM 88062

PS Form 3800, August 2006

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Guillermo Contrares  
 PO Box 1914  
 Silver City, NM 88062

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Diana L. Bender  
 Louis Osmer III et al  
 P.O. Box 166  
 Tyrone, NM 88065

PS Form 3800, August 2006

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 City, St

George Bender  
 709 W. Hill St  
 Silver City, NM 88061-4233

PS Form 3800, August 2006



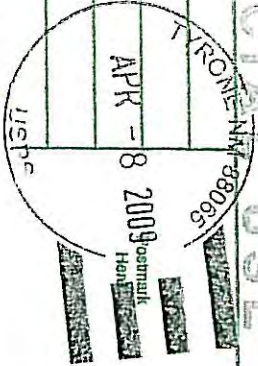
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 Street: 17 Adobe Lane  
 City: Silver City, NM 88061

PS Form 3800, June 2005

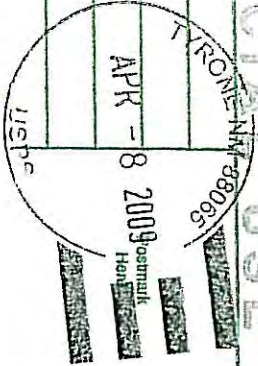
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 Street: 2925 Sheffield Court  
 City: Boise, ID 83702

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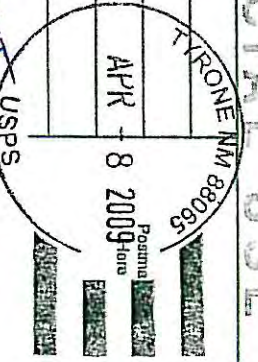
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 Street: P.O. Box 736  
 City: Tyrone, NM 88065

PS Form 3800, June 2005

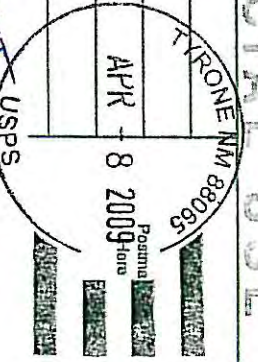
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 Street: P.O. Box 1497  
 City: Silver City, NM 88062

PS Form 3800, June 2005



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TYRONE NM 88062

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 PO Box 1914  
 Silver City, NM 88062

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 Edward W Laughlin &  
 2902 Cumberland Dr  
 San Angelo, TX 76904

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TYRONE NM 88062

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 c/o James McCauley  
 PO Box 1497  
 Silver City, Nm 88062

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 c/o David Tulluch  
 1036 Matador SE  
 Albuquerque, NM 87123

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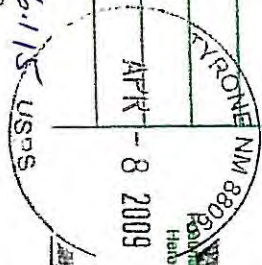
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PS Form 3800, May 2007 (7530-02-000-9051)  
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LT Ranch LLC  
 P.O. Box 1497  
 Silver City, NM 88061



Registered No. **2B072990004 US** Date Stamp

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Handling Charge	
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Recipient: *LT Ranch LLC*  
 Customer Must Declare Full Value \$ *1,000*  
 Domestic insurance up to \$25,000 is included based upon the declared value. International indemnity is limited. (See Reverse).

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All Entries Must Be In Ballpoint or Typed	
TO	FROM
	Freeport Memorial Tyrone Inc
	ELWD
	P.O. Box 571
	Tyrone NM 88065
	M. McCallum - Frank J. Westley Trust
	217 Hudson Crescent - Wallaceburg
	Ontario Canada S81S3-1000

PS Form 3800, May 2007 (7530-02-000-9051)  
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 Copy 1 - Customer (See Information on Reverse)  
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**FREEPORT-McMORAN  
COPPER & GOLD**

Tyrone Operations  
P.O. Drawer 571  
Tyrone, NM 88065

April 8, 2009

Dear Interested Party:

**Re: Tyrone Mine Permit GR010RE  
Notice of Application to Renew Closeout Plan**

Attached is a public notice of an application to revise our New Mexico Energy, Minerals and Natural Resources Department, Mining and Minerals Division (MMD) mine permit for the Tyrone Mine. This permit covers operation and closeout of the mine under the New Mexico Mining Act and its associated rules.

Tyrone will be submitting an application to revise the mine permit to incorporate a revised closeout plan. MMD rules require that an applicant provide notice of the application to persons who have requested to the Director of the MMD that they be notified of such actions. The application to revise the permit is due to the MMD on or before April 11, 2009.

**Please note, the MMD rules require us to send this notice via certified mail. With this permit revision, Tyrone is not proposing a change to existing mining activities, an expansion of mining activities, or any other change that would impact you or surrounding properties. This revision is part of a routine process that will occur every five years.**

If you have any questions or concerns regarding the application or any other environmental issue, please contact me at (575) 538-7102.

Sincerely,

Timothy E. Eastep, Manager  
Environment, Land and Water

TEE:cj  
Attachment  
20090406-115

7008 2810 0002 4138 6387

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 Rio Grande Chapter of the Sierra Cl  
 824 Los Lovatos Rd.  
 Santa Fe, NM 87501

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TYRONE NM 88065

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To: Michelle Ensey 2009 0406 115  
 Department of Cultural Affairs  
 Historic Preservation Division  
 407 Galisteo Street, Suite 236  
 Santa Fe, NM 87501

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TYRONE NM 88065

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 Brown & German  
 3909 Juan Tabo Blvd. NE  
 Albuquerque, NM 87111

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To: Anne Wagner 2009 0406 115  
 Manager, Environmental Affairs  
 Molycorp Inc.  
 P. O. Box 469  
 Questa, NM 87556

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 City Albuquerque, NM 87113

PS Form 3800, September 2008

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Total Postage & Fees \$ 1.15  
 Sent by Mr. D. C. Estes *20090406* *IP*  
 Street or PO Box 215 E. 7th Street  
 City Safford, AZ 85546

PS Form 3800, September 2008

7008 2810 0002 4138 6448

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT** *ELWD*  
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For delivery information visit our website at [www.usps.com](http://www.usps.com).

**OFFICIAL USE**

Postage \$ 1.80 *88065*  
 Certified Fee  
 Return Receipt Fee (Endorsement Required)  
 Restricted Delivery Fee (Endorsement Required)

Postmark  
 APR - 8 2009

Total Postage & Fees \$ 1.15  
 Sent by Mr. John Bemis *20090406* *IP*  
 Street or PO Box New Mexico State Land Office  
 City P.O. Box 1148  
Santa Fe, NM 87504

PS Form 3800, September 2008

7008 2810 0002 4138 6479

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**OFFICIAL USE**

Postage \$ 1.80 *88065*  
 Certified Fee  
 Return Receipt Fee (Endorsement Required)  
 Restricted Delivery Fee (Endorsement Required)

Postmark  
 APR - 8 2009

Total Postage & Fees \$ 1.15  
 Sent by Mr. Grove Burnett *20090406* *IP*  
 Street or PO Box Western Environmental Law Center  
 City P.O. Box 1507  
Taos, NM 87571

PS Form 3800, September 2008



7008 2810 0002 4138 6486

U.S. Postal Service  
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**OFFICIAL USE**  
 TYRONE NM 88065

Postage \$ \_\_\_\_\_  
 Certified Fee \_\_\_\_\_  
 Return Receipt Fee (Endorsement Required) \_\_\_\_\_  
 Restricted Delivery Fee (Endorsement Required) \_\_\_\_\_  
 Total Postage & Fees *20090406-115*

Sent to *IP*  
 Street, Apt. or PO Box \_\_\_\_\_  
 City, State \_\_\_\_\_  
 Zip \_\_\_\_\_  
 Recipient: Mr. Walter L. Meech  
 C&E Concrete  
 P.O. Box 2547  
 Milan, NM 87021

Postmark: APR - 8 2009  
 USPS

PS Form 3800, October 2008

7008 2810 0002 4138 6493

U.S. Postal Service  
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**OFFICIAL USE**  
 TYRONE NM 88065

Postage \$ \_\_\_\_\_  
 Certified Fee \_\_\_\_\_  
 Return Receipt Fee (Endorsement Required) \_\_\_\_\_  
 Restricted Delivery Fee (Endorsement Required) \_\_\_\_\_

Total *20090406-115*

Sent to \_\_\_\_\_  
 Street, Apt. or PO Box \_\_\_\_\_  
 City, State \_\_\_\_\_  
 Zip \_\_\_\_\_  
 Recipient: Mr. Paul Robinson  
 Research Director  
 SW Research & Information Center  
 P.O. Box 4524  
 Albuquerque, NM 87106

Postmark: APR - 8 2009  
 USPS

PS Form 3800, October 2008

7008 2810 0002 4138 6523

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT** *ELWD*  
 (Domestic Mail Only. No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**  
 TYRONE NM 88065

Postage \$ \_\_\_\_\_  
 Certified Fee \_\_\_\_\_  
 Return Receipt Fee (Endorsement Required) \_\_\_\_\_  
 Restricted Delivery Fee (Endorsement Required) \_\_\_\_\_

Total *20090406-115*

Sent to *IP*  
 Street, Apt. or PO Box \_\_\_\_\_  
 City, State \_\_\_\_\_  
 Zip \_\_\_\_\_  
 Recipient: Mr. Brian Shields  
 Amigos Bravos  
 P.O. Box 238  
 Taos, NM 87571

Postmark: APR - 8 2009  
 USPS

PS Form 3800, October 2008

7008 2810 0002 4138 6530

U.S. Postal Service  
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For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**  
 TYRONE NM 88065

Postage \$ \_\_\_\_\_  
 Certified Fee \_\_\_\_\_  
 Return Receipt Fee (Endorsement Required) \_\_\_\_\_  
 Restricted Delivery Fee (Endorsement Required) \_\_\_\_\_

Total *20090406-115*

Sent to *IP*  
 Street, Apt. or PO Box \_\_\_\_\_  
 City, State \_\_\_\_\_  
 Zip \_\_\_\_\_  
 Recipient: Mr. Tim Sanders  
 Bureau of Land Management  
 1800 Marquess St.  
 Las Cruces, NM 88005

Postmark: APR - 8 2009  
 USPS

PS Form 3800, October 2008



7008 2810 0002 4138 6509

U.S. Postal Service  
**CERTIFIED MAIL... RECEIPT** *ELWD*  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage \$

Certified Fee

Return Receipt Fee (Endorsement Required)

Restricted Delivery Fee (Endorsement Required)

Postmark: APR - 8 2009 Here

To: *20090406-115* *(1P)*  
 Mr. Doug Melkejohn  
 NM Environmental Law Center  
 1405 Luisa St. Suite 5  
 Santa Fe, NM 87501

PS Form 3800, August 2006 See Reverse for Instructions

7008 2810 0002 4138 6516

U.S. Postal Service  
**CERTIFIED MAIL... RECEIPT** *ELWD*  
 (Domestic Mail Only; No Insurance Coverage Provided)

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**OFFICIAL USE**

Postage \$

Certified Fee

Return Receipt Fee (Endorsement Required)

Restricted Delivery Fee (Endorsement Required)

Postmark: APR - 8 2009 Here

To: *20090406-115* *(1P)*  
 Ms. Maxine Goad  
 P.O. Box 2502  
 Santa Fe, NM 87504

PS Form 3800, August 2006 See Reverse for Instructions

7008 2810 0002 4138 6455

U.S. Postal Service  
**CERTIFIED MAIL... RECEIPT** *ELWD*  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage \$

Certified Fee

Return Receipt Fee (Endorsement Required)

Restricted Delivery Fee (Endorsement Required)

Postmark: APR - 8 2009 Here

To: *20090406-115* *(1P)*  
 The Honorable James Marshall  
 Mayor  
 Town of Silver City  
 P.O. Box 1188  
 Silver City, NM 88062

PS Form 3800, August 2006 See Reverse for Instructions

7008 2810 0002 4138 6462

U.S. Postal Service  
**CERTIFIED MAIL... RECEIPT** *ELWD*  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage \$

Certified Fee

Return Receipt Fee (Endorsement Required)

Restricted Delivery Fee (Endorsement Required)

Postmark: APR - 8 2009 Here

To: *20090406-115* *USPS*  
 Mr. Alan Kuhn  
 13212 Maritoba Dr. NE  
 Albuquerque, NM 87111

PS Form 3800, August 2006 See Reverse for Instructions



7008 2810 0002 4138 6547

**U.S. Postal Service**  
**CERTIFIED MAIL™ RECEIPT** *ELWD*  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com).

**OFFICIAL USE**

Postage	\$	TYRONE NM 88065
Certified Fee		
Return Receipt Fee (Endorsement Required)		APR - 8 2009
Restricted Delivery Fee (Endorsement Required)		
Total	\$	20090406-115 <i>(IP)</i>

Sent To: Ms. Allyson Siwik  
 State Resources Information Project  
 306 N. Cooper  
 Silver City, NM 88061

PS Form 3800, August 2005 See Reverse for Instructions

7008 2810 0002 4138 6554

**U.S. Postal Service**  
**CERTIFIED MAIL™ RECEIPT** *ELWD*  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com).

**OFFICIAL USE**

Postage	\$	TYRONE NM 88065
Certified Fee		
Return Receipt Fee (Endorsement Required)		APR - 8 2009
Restricted Delivery Fee (Endorsement Required)		
Total	\$	20090406-115 <i>(IP)</i>

Sent To: Mr. Andrew Core  
 Dain Safety Bureau  
 State Engineer Office  
 P.O. Box 25102  
 Santa Fe, NM 87504

PS Form 3800, August 2005 See Reverse for Instructions

7008 2810 0002 4138 6561

**U.S. Postal Service**  
**CERTIFIED MAIL™ RECEIPT** *ELWD*  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com).

**OFFICIAL USE**

Postage	\$	TYRONE NM 88065
Certified Fee		
Return Receipt Fee (Endorsement Required)		APR - 8 2009
Restricted Delivery Fee (Endorsement Required)		
Total	\$	20090406-115 <i>(IP)</i>

Sent To: Mr. Butch Blazer, State Forester  
 State Forestry Division  
 P.O. Box 1948  
 Santa Fe, NM 87504-1948

PS Form 3800, August 2005 See Reverse for Instructions

7008 2810 0002 4138 6578

**U.S. Postal Service**  
**CERTIFIED MAIL™ RECEIPT** *ELWD*  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com).

**OFFICIAL USE**

Postage	\$	TYRONE NM 88065
Certified Fee		
Return Receipt Fee (Endorsement Required)		APR - 8 2009
Restricted Delivery Fee (Endorsement Required)		
Total	\$	20090406-115 <i>(IP)</i>

Sent To: Mr. John Baumberger  
 USDA Forest Service Gila NF  
 3005 E. Camino del Bosque  
 Silver City, NM 88061

PS Form 3800, August 2005 See Reverse for Instructions



7008 2810 0002 4138 6585

U.S. Postal Service  
**CERTIFIED MAIL™ RECEIPT** *ELWD*  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com).

**OFFICIAL USE**

Postage \$

Certified Fee

Return Receipt Fee (Endorsement Required)

Restricted Delivery Fee (Endorsement Required)

Total P&F

20090406-115

Ms. Lisa Kinkpatrick, Chief  
 Conservation Services Division  
 NM Dept of Game & Fish  
 P.O. Box 25112  
 Santa Fe, NM 87504

Postmark: TYRONE NM 98063 APR - 8 2009

PS Form 3800, April 2009 See Reverse for Instructions

7008 2810 0002 4138 6592

U.S. Postal Service  
**CERTIFIED MAIL™ RECEIPT** *ELWD*  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com).

**OFFICIAL USE**

Postage \$

Certified Fee

Return Receipt Fee (Endorsement Required)

Restricted Delivery Fee (Endorsement Required)

Total P&F

20090406-115

Mr. Larry Kehog SPS  
 State Land Office  
 310 Old Santa Fe Trail  
 Santa Fe, NM 87504

Postmark: TYRONE NM 98063 APR - 8 2009

PS Form 3800, April 2009 See Reverse for Instructions

7008 2810 0002 4138 6608

U.S. Postal Service  
**CERTIFIED MAIL™ RECEIPT** *ELWD*  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com).

**OFFICIAL USE**

Postage \$

Certified Fee

Return Receipt Fee (Endorsement Required)

Restricted Delivery Fee (Endorsement Required)

Total P&F

20090406-115

Ms. Mary Ann Meggery  
 MECS New Mexico Environment Department  
 P.O. Box 26110  
 Santa Fe, NM 87502

Postmark: TYRONE NM 98063 APR - 8 2009

PS Form 3800, April 2009 See Reverse for Instructions

7008 2810 0002 4138 6615

U.S. Postal Service  
**CERTIFIED MAIL™ RECEIPT** *ELWD*  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com).

**OFFICIAL USE**

Postage \$

Certified Fee

Return Receipt Fee (Endorsement Required)

Restricted Delivery Fee (Endorsement Required)

Total Postage & Fees

20090406-115

Bill Van Dram  
 900 N. Hudson St.  
 Silver City, NM 88061

Postmark: TYRONE NM 98063 APR - 8 2009

PS Form 3800, April 2009 See Reverse for Instructions

7008 2810 0002 4138 6806

U.S. Postal Service  
**CERTIFIED MAIL... RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

*ELWD*

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

TYRONE NM 88065  
 APR 8 2009  
 Postmark  
 Her

20090406-4595  
 The Honorable Jovita Gonzales  
 Grant County Commission  
 P. O. Box 898  
 Silver City, NM 88062

*(1P)*

Return Receipt  
 Street or PO  
 City, St.  
 PS Form  
 3800  
 11/05



## Legal Notice

Pursuant to the New Mexico Mining Act Rules, 19.10.5 and 19.10.9.903 NMAC, Freeport McMoRan Tyrone Inc. (Tyrone) has applied to the Mining and Minerals Division, New Mexico Energy, Minerals and Natural Resources Department (MMD) to approve a revised Closeout Plan for the Tyrone Mine as a revision to Permit GR010RE (Permit). The Permit and application describe reclamation provisions and standards subject to the New Mexico Mining Act and Mining Act Rules. Tyrone is submitting this letter and accompanying attachments to the MMD to comply with the requirements in Condition 9.S of Revision 01-1 as modified in Modification 06-1.

A copy of the application is available for viewing during normal business hours at:

New Mexico Energy, Minerals and Natural Resources Department  
Mining and Minerals Division  
1220 South St. Francis Drive  
Santa Fe, New Mexico 87505

And also at:  
Freeport McMoRan Tyrone Inc.  
Environment, Land and Water Department  
Tyrone Mine Road, Highway 90  
Tyrone, New Mexico 88605

This application can also be viewed or downloaded from the New Mexico Energy, Minerals and Natural Resources Department website at:  
<http://www.emnrd.state.nm.us/MMD/MARP/MARPNewPermitApplicationsandCloseoutPlans.htm>

Location of real property affected: The Tyrone Mine is located in Grant County ten miles southwest of the town of Silver City, New Mexico. Described using the Public Lands Survey System, the Tyrone Mine is located in all or portions of the following land subdivisions: Sections 17, 18, 19, 20, 21, 28, 29 and 30 of Township 18 South, Range 15 West; Sections 3, 4, 5, 8, 9, 10, 11, 13, 14, 15, 16, 17, 21, 22, 23, 24, 25, 26, 27 and 28 of Township 19 South, Range 15 West; Sections 19, 20, 29 and 30 of Township 19 South, Range 14 West all of these subdivisions are referenced to the New Mexico Principal Meridian.

### General description of the Tyrone operation

Tyrone is an active mine producing copper in the form of cathodes. Copper bearing ore is mined by drilling and blasting in open pits. The ore is placed on leach stockpiles where it is wetted with a dilute solution of sulfuric acid. The copper in the ore minerals goes into solution and travels with the pregnant leach solution to a processing facility where by both chemical and electrical means the copper is concentrated and extracted as a nearly pure metal. The process used to extract the copper from the pregnant leach solution is called solvent extraction/electrowinning (SX/EW). The depleted leach solution is reconstituted and then returned to the leach stockpiles to dissolve more copper. Rock that does not contain sufficient copper to be economically leached but must be removed to access the ore is placed

on wasterock stockpiles near the pits. Tyrone no longer processes ore in a mill and the mill facility has been demolished and reclaimed as have the mill tailings ponds that used to receive the discharge from the mill.

This application for a revision to the permit is available for public comments, objections and a public request for hearing as provided below.

Permittee and mailing address: Freeport McMoRan Tyrone Inc., ELWD, P.O. Box 57, Tyrone, New Mexico 88065.

Director's name and address to submit written comments, objections or requests for public hearings: Any interested person may request that the Director of the Mining and Minerals Division conduct a public hearing on this proposed revision. Such request must be made to the Director at the above address within 30 days of the date of the publication in a local newspaper of notice of this application. If a hearing is timely requested, the director shall set a hearing unless the request is clearly frivolous. The Director may hold a public hearing even if the public does not request one. Any public hearing pursuant to this application shall be held at a place in the Silver City area that is accessible to the public.

Written comments, objections or requests for a public hearing regarding this application for permit renewal shall be submitted to: Mr. Bill Brancard, Director, Mining and Minerals Division, 1220 South St. Francis Drive, Santa Fe, New Mexico 87505. A person with an interest in this action may submit a written objection to the revision with the Director and may request a public hearing. If a public hearing is held, a separate notice will be provided in accordance with 19.10.12.1210 NMAC. Written comments must be received by the Director prior to the close of the hearing record following any public hearing that is held. If no public hearing is held, written comments will be considered only if they are received by the Director within 60 days after the date of publication of this notice in a local newspaper or within 60 days after the person filing the comments received notice of the application, whichever is later.



## AVISO LEGAL

Conforme a lo establecido en los artículos de la Ley de Minas 19.10.5 y 19.10.12 (NMAC) del estado de New México, Freeport McMoRan Tyrone, Inc. (Tyrone) presentó una aplicación a la división de Minería y Minerales del Departamento de Energía, Minerales, y recursos Naturales del estado de New México (MMD por sus siglas en ingles), para solicitar la aprobación de una revisión al Plan de Cierre de la mina, revisión del Permiso GR010RE (Permiso). Este permiso y aplicación describe las disposiciones y estándares de recuperación de suelos de acuerdo a las normas del Acta de Minería y el Reglamento del Acta de Minería de New Mexico. Esta carta y documentos adjuntos es presentado a la MMD con el fin de cumplir con lo establecido en Condición 9.S de la Revisión 01-1, como ha sido modificado en la Modificación 06-1.

Una copia de la solicitud se encuentra disponible en los siguientes lugares para su revisión (en horas de oficina):

New Mexico Energy, Minerals and Natural Resources Department  
Mining and Minerals Division  
1220 South St. Francis Drive  
Santa Fe, New México 87505

Freeport McMoRan Tyrone Inc.  
Environment, Land and Water Department  
Tyrone Mine Road, Highway 90  
Tyrone, New Mexico 88605

Esta solicitud también puede ser vista o descargada desde la página web del Departamento de Energía, Minerales, y recursos Naturales del estado de New México, en el siguiente link:  
<http://www.emnrd.state.nm.us/MMD/MARP/MARPNewPermitApplicationsandCloseoutPlans.htm>

Localización de la propiedad afectada: La mina de Tyrone esta localizada en el Condado de Grant, 10 millas al suroeste de la ciudad de Silver City en New Mexico. De acuerdo al Sistema de Planimetría de Tierras Publicas Tyrone esta localizado en todas las porciones de las siguientes sub-divisiones de tierras: Secciones 17, 18, 19, 20, 21, 28, 29 y 30 del Municipio 18 Sur, Extensión 15 Oeste; Secciones 3, 4, 5, 8, 9, 10, 11, 13, 14, 15, 16, 17, 21, 22, 23, 24, 25, 26, 27 y 28 del Municipio 19 Sur, Extensión 15 Oeste; Secciones 19, 20, 29 y 30 del Municipio 19 Sur, Extensión 14 Oeste. Todas estas sub-divisiones están geo-referenciadas de acuerdo al Meridiano Principal de New Mexico.

Descripción general de operaciones en la Mina de Tyrone: Tyrone es una mina activa que produce cobre a través de la formación de cátodos. Mineral rico en cobre es obtenido a través de un proceso de perforación y aplicación de cargas explosivas (voladura). El mineral obtenido es acumulado en terrazas de lixiviación donde es humedecido con una solución disuelta de acido sulfúrico. El cobre contenido en la pila de minerales es disuelto en una solución (denominada en general como solución impregnada de lixiviación) que es recuperada y transportada a una planta de procesamiento donde es extraído por medios químicos y eléctricos. Este cobre extraído alcanza una pureza casi metálica. El proceso usado para extraer el cobre disuelto en la solución de lixiviación es llamado Extracción de Solvente/Electro-recuperación (Solvent

Extraction/Electrowinning - SX/EW, por sus siglas en Ingles). La solución de lixiviación residual es reconstituida y reutilizada en las terrazas/pilas de lixiviación para disolver mas cobre. Material mineral que no contiene suficiente cobre para ser económicamente aprovechado es removido y apilado dentro de la mina en terrazas denominadas pilas de desecho (wasterock stockpiles). La mina de Tyrone no utiliza mas molinos para procesar el mineral obtenido. La planta de molino utilizado en antaño ha sido demolida y sus suelos recuperados; los diques de colas relacionados con este molino también fueron clausurados y sus suelos recuperados.

La presente solicitud es presentada al público en general con el fin de recibir comentarios, opiniones, o pedidos de audiencia pública, mismos que pueden hacerse de acuerdo a la siguiente información.

Nombre del aplicante y dirección postal: Freeport McMoRan Tyrone, Inc., P.O. Box 571, Tyrone, New México 88065

Nombre y dirección del Director para enviar sus comentarios escritos, objeciones o pedidos de audiencia pública:

Cualquier ciudadano(a) interesado puede pedir al Director de la Division de Minería y Minerales (Director of the Mining and Minerals Division) conducir una audiencia publica para discutir esta propuesta de revisión. Tal propuesta deberá ser dirigida al director a la dirección mostrada arriba dentro de 30 días de la fecha de publicación de este aviso de aplicación en un periódico local. Si la audiencia es solicitada dentro de este periodo de tiempo, el director debe programar la misma a menos que la solicitud sea declarada trivial. El director tiene la potestad de programar una audiencia pública aun cuando el público en general no haya solicitado ninguna. Cualquier audiencia pública en relación a esta aplicación debe ser llevada a cabo en un lugar accesible al público en general en la ciudad de Silver City.

Comentarios escritos, objeciones o pedidos de audiencia pública en relación a la mencionada aplicación por desembolso parcial de seguro financiero deberán ser dirigidos a:

Mr. Bill Brancard, Director, Mining and Minerals Division,  
1220 South St. Francis Drive, Santa Fe, New Mexico 87505

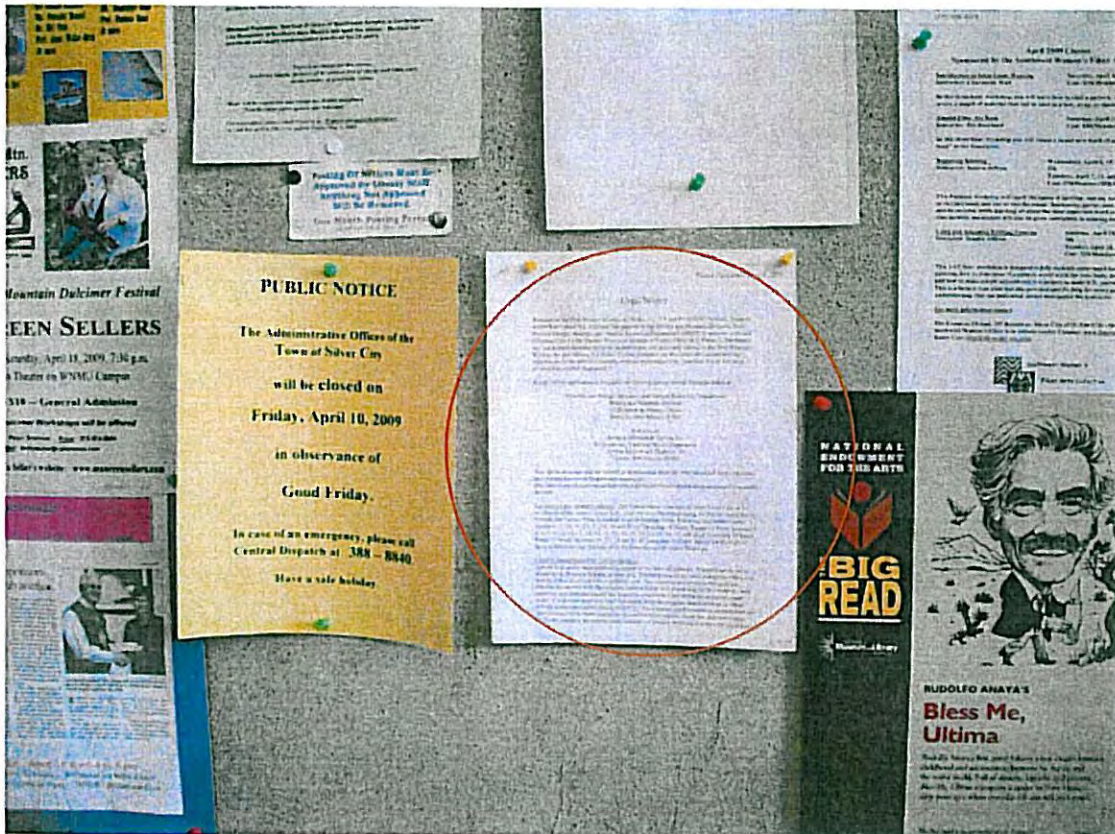
La persona interesada puede presentar una objeción por escrito al director sobre esta revisión y solicitar una audiencia publica. Si la audiencia pública es programada, un nuevo aviso será presentado de acuerdo lo establecido en 19.10.12.1210 del NMAC. Comentarios escritos deben ser recibidos por el director antes del cierre de registros de la audiencia pública a la culminación de la misma si alguna es sostenida. Si no se llevan a efecto audiencias publicas, comentarios escritos serán considerados solo si son recibidos por el director dentro de 60 días después de la fecha de publicación de este aviso legal en un periódico local, o dentro de 60 días después de que el interesado presentando sus comentarios recibió noticia de esta aplicación, cualquiera ocurra al ultimo.



# Locations of Public Notice



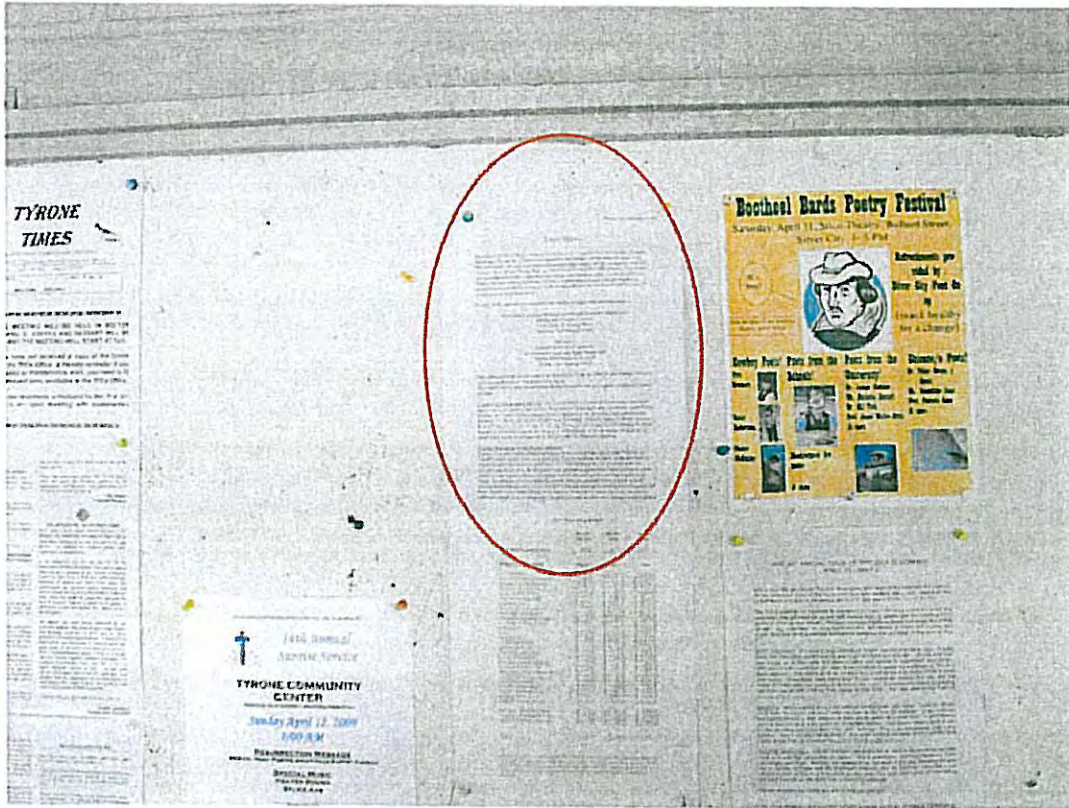
Grant County Administration Building



Silver City Public Library



# Locations of Public Notice



Tyrone Community Center



Tyrone Mine – Front Gate



Freeport-McMoRan Tyrone Inc.

PO Box 571

Tyrone, NM 88065

Date	Description	PO#	Inches	Lines	Total
4/8/09	Closcouth Plan for Tyrone Mine (Spanish)		37.00	259.00 @ .56	= \$145.04
				@ .44	=
				@ .44	=
				@ .44	=
				@ .44	=
				@ .44	=

Total Inches 37.00

Subtotal \$145.04

Tax \$10.52

Please include top portion with payment to ensure proper credit.

Grand Total \$155.56

### Affidavit of Publication

STATE OF NEW MEXICO

SS

County of Grant

Mary L. Ybarra, being first duly sworn, on her oath says: That she is the manager of the Silver City Daily Press and Independent, a newspaper printed and published in the Town of Silver City, in the County of Grant and the State of New Mexico, and that said newspaper is now, and was at all times herein mentioned, a newspaper of general circulation.

That the advertisement, copy of which is hereto attached, was published in said hereinbefore mentioned newspaper once each and every week for 1 consecutive week (s), the first publication thereof having been made on 4/8/09 and the last publication thereof having been made on . That said newspaper was regularly printed, published and issued with said notice herein upon the following dates, to wit:

4/8/09

*Mary L. Ybarra*

Subscribed and sworn to before me on this 9<sup>th</sup> day of April 2009

*Melanie K Rogers*

Notary Public



OFFICIAL SEAL  
Melanie K. Rogers  
NOTARY PUBLIC  
STATE OF NEW MEXICO  
My Commission Expires: 6/1/10

### Legal

AV  
Conforme a lo establecido en los artículos 19.10.5 y 19.10.10 del Código de Minería del Estado de New Mexico, Freeport McMoRan solicitó una aplicación a la Dirección de Recursos Minerales del Estado de New Mexico (en inglés), para solicitar el Permiso de Cierre de la mina (Permiso). Este permiso se otorga de acuerdo con las normas del Acta de Minería de New Mexico.

Freeport-McMoRan Tyrone Inc.  
 PO Box 571  
 Tyrone, NM 88065

Date	Description	PO#	Inches	Lines	Total
4/8/09	Closeout Plan for Tyrone Mine		29.50	206.50 @ .56	= \$115.64
				@ .44	=
				@ .44	=
				@ .44	=
				@ .44	=
				@ .44	=
				@ .44	=

Total Inches 29.50      Subtotal \$115.64  
 Tax \$8.38

Please include top portion with payment to ensure proper credit.      Grand Total \$124.02

### Affidavit of Publication

STATE OF NEW MEXICO }  
 County of Grant } S S

Mary L. Ybarra, being first duly sworn, on her oath says: That she is the manager of the Silver City Daily Press and Independent, a newspaper printed and published in the Town of Silver City, in the County of Grant and the State of New Mexico, and that said newspaper is now and was at all times herein mentioned, a newspaper of general circulation.

That the advertisement, copy of which is hereto attached, was published in said hereinbefore mentioned newspaper once each and every week for 1 consecutive week (s), the first publication thereof having been made on 4/8/09 and the last publication thereof having been made on . That said newspaper was regularly printed, published and issued with said notice herein upon the following dates, to wit:

**Legal**  
 Pursuant to the New and 19.10.9.903 NMA (Tyrone) has applied sion, New Mexico Energy Department (MMD) t for the Tyrone Mine (Permit). The Permit tion provisions and sta Mining Act and Minin this letter and appen...

4/8/09

*Mary L. Ybarra*

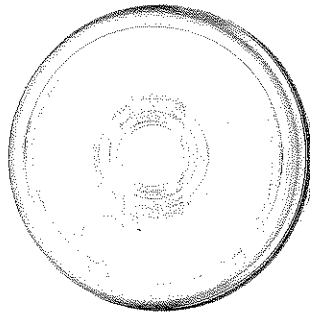
Subscribed and sworn to before me on this 9th day of April 2009

*Melanie K Rogers*

Notary Public  
**OFFICIAL SEAL**  
 Melanie K. Rogers  
 NOTARY PUBLIC  
 STATE OF NEW MEXICO  
 My Commission Expires: 6/1/10



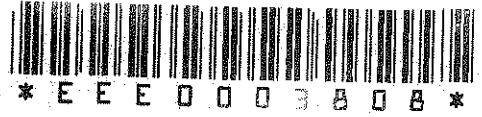
Freeport-McMoRan Tyrone Inc.  
Tyrone Mine Permit GR010RE  
Updated Closeout Plan  
CCP October 2007  
Submitted per Section 9.S



OFFICIAL RECEIPT

Date: April 15, 2009

Received From: Freeport-McMoran-Tyrone Operations  
Seven thousand Five Hundred and 00/100



Dollars

Center Code	Revenue Code	Amount	Work Order No.
0640	416902	7,500.00	

Center Code	Revenue Code	Amount	Work Order No.

State Treasurer Deposit Number \_\_\_\_\_

Total \$ 7,500.00

Description: Revision App  
CR010 RE Tyrone Mine

Signed: [Signature]

ASD-White Copy / Customer-Yellow Copy / Retained in Book-Pink Copy

Richard N Mohr  
PO Dr. 571 Tyrone

CHECK TOTAL

DETACH BEFORE CASHING

7,500.00      0.00      7,500.00

Page: 1 of 1

VERIFY THE AUTHENTICITY OF THIS MULTI-TONE SECURITY DOCUMENT.

CHECK BACKGROUND AREA CHANGES COLOR GRADUALLY FROM TOP TO BOTTOM.

**FREEPORT-McMORAN**  
**COPPER & GOLD**

Bank of America, N.A.  
Atlanta, DeKalb County, Georgia

64-1278  
611

NO. 646169

CHECK DATE  
04/02/2009

NET AMOUNT  
\*\*\*\*\*\$7,500.00

PAY Seven thousand five hundred and 00/100 Dollars

TO THE ORDER OF

STATE OF NEW MEXICO  
ENERGY MINERALS & NAT RSRCS M&M  
1220 S ST FRANCIS DR  
SANTA FE NM 87505 US

646169

[Signature]

AUTHORIZED SIGNATURE

CR010 RE TYRONE REV.

⑈646169⑈ ⑆061112788⑆ 3299998445⑈