

State of New Mexico  
Energy, Minerals and Natural Resources Department

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Governor

Sarah Cottrell Propst  
Cabinet Secretary

Todd E. Leahy, JD, PhD  
Deputy Secretary

Jerry Schoeppner, Director  
Mining and Minerals Division



**Via ELECTRONIC MAIL**

November 21, 2022

Mr. Thomas L. Shelley, Environmental Manager  
Freeport-McMoRan Tyrone Inc.  
P.O. Box 571  
Tyrone, NM 88065

**RE: Comments on the Application for Modification 22-1 to Little Rock Mine, Permit No. GR007RE; and Modification 22-1 to Tyrone Mine, Permit No. GR010RE; Freeport-McMoRan Tyrone Inc.**

Dear Mr. Shelley:

The New Mexico Mining and Minerals Division (“MMD”) received a letter from Freeport-McMoRan Tyrone Inc. (“Tyrone”), dated August 2, 2022, applying for a modification to the Little Rock Mine, Permit No. GR007RE. MMD also received a letter from Tyrone, dated August 17, 2022, applying for a modification to the Tyrone Mine, Permit No. GR010RE. Both permit modification applications (herein referred to as the “Applications”) request that MMD approve the Little Rock Precambrian granite as Reclamation Cover Material (“RCM”) for reclamation at the Little Rock Mine and the Tyrone Mine, respectively, and request that MMD approve the termination of the USNR Test Plot Study.

On August 31, 2022, MMD deemed the Applications administratively complete and requested comments from other agencies including the New Mexico Environment Department (“NMED”), the New Mexico Department of Game and Fish (“NMDG&F”), the New Mexico State Forestry Division (“NMSFD”), and the U.S. Bureau of Land Management (“BLM”). MMD also sent request for comments to the tribal entities in accordance with MMD’s Tribal Collaboration Policy.

MMD has the following comments on the Applications and is attaching the comments received from NMED and the NMDG&F. Please review the following MMD comments, the NMED and DMDG&F comments, and respond within 30-days of receipt of this letter.

MMD Comments

1. Construction of USNR, page 3 of the Applications, states that during reclamation construction a small portion of the USNR reclamation area was too coarse at the

RE: Comments on the Application for Modification 20-1 to Little Rock Mine, Permit No. GR007RE; and Modification 20-1 to Tyrone Mine, Permit No. GR010RE; Freeport-McMoRan Tyrone Inc.  
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surface for an adequate seed bed and that Tyrone hauled in “additional fine-grained RCM for a seedbed”. Please state the source of the fine-grained RCM and describe how it was excavated, handled, and placed to provide a seedbed “at an average thickness of 4 inches”.

2. Results, Reclamation Cover Material Suitability, pages 4 and 5 states that physical and chemical characteristics of the Precambrian granite placed at the USNR Test Plots and the Gila conglomerate RCM were evaluated. The Precambrian granite waste rock excavated from the Little Rock Mine has been hauled to the Tyrone Mine and placed onto the Tyrone 9A and 9AX Stockpiles. Prior to approval of the Precambrian granite in the 9A and 9AX stockpiles as RCM, MMD requests that Tyrone performs confirmation sampling and analysis of the Precambrian granite in these waste rock piles. Tyrone shall provide a sampling and analysis work plan to MMD within 90-days for the chemical and physical sampling and analyses that will be performed.
3. Condition 8.P.1(a) of Permit Modification 17-1, for the Little Rock Mine, Permit No. GR007RE requires that Tyrone provide the results to MMD of the 2018 and 2020 USNR Test Plot and the Tyrone reference area quantitative vegetation monitoring. MMD has received reports from Tyrone of the 2018 and 2020 quantitative vegetation monitoring results. The 2018 USNR Quantitative Vegetation and Erosion Monitoring Report for the USNR Test Plot Study, dated April 25, 2019, did not include a vegetation survey of the Tyrone reference area. Therefore, MMD requests that Tyrone performs a quantitative vegetation survey at the USNR Test Plots and the Tyrone reference area in 2023 to compensate for not performing a vegetation survey of the Tyrone reference area in 2018.

MMD is available to meet with Tyrone to discuss MMD’s comments and to develop a plan to address MMD requirements.

If you have any questions, please contact me at (505) 216-8945 or at [David.Ohori@emnrd.nm.gov](mailto:David.Ohori@emnrd.nm.gov).

Sincerely,

*David Ohori*

David Ohori, Permit Lead  
Mining Act Reclamation Program (“MARP”)  
Mining and Minerals Division

Enclosures

cc: Raechel Roberts, Environmental Scientist II, Tyrone Mine  
Holland Shepherd, MARP Program Manager

RE: Comments on the Application for Modification 20-1 to Little Rock Mine, Permit No. GR007RE;  
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Carmen Rose, Senior Reclamation Specialist, MARP  
Brad Reid, Mining Environmental Compliance Section (MECS), NMED GWQB  
Anne Maurer, MECS, NMED GWQB  
Joseph Navarro, U.S. BLM, Las Cruces District Office  
Allyson Siwik, Executive Director, Gila Resources Information Project  
Mine Files (GR007RE and GR010RE)

DRAFT