

**PERMIT MODIFICATION 22-1 TO PERMIT NO. BE001RE  
TIJERAS MINE AND MILL  
EXISTING MINING OPERATION**

**MINING AND MINERALS DIVISION  
ENERGY, MINERALS, AND NATURAL RESOURCES DEPARTMENT**

This Permit Modification 22-1 (“Mod. 22-1”) to Permit No. BE001RE is issued by the Director of the Mining and Minerals Division (“MMD”) of the New Mexico Energy, Minerals and Natural Resources Department to:

Whose correct address is:   GCC Rio Grande Inc. (“GCC”)  
  Tijeras Mine and Mill  
  P.O. Box 100  
  Tijeras, New Mexico 87059

(“Permittee”) for the Tijeras Mine and Mill, located in Bernalillo County, New Mexico.

This Permit Modification 22-1:

1.     Approves Reference Area at the Tijeras Mine and Mill at the location shown on Maps A-1 and A-2 Reclamation Monitoring Reference Area Site Map of the *Modification Application for Reference Area for Reclamation Success Criteria at GCC Rio Grande Tijeras Mine and Mill (Permit No. BE001RE), dated April 29, 2022;*
2.     Establishes and stipulates new Vegetative Success Criteria for reclamation associated with the BE001RE Permit;
3.     Stipulates additional blasting reporting requirements for New Units associated with the BE001RE Permit.

In order to accomplish the approval contemplated by this Modification 22-1, the following subparagraphs are added to Permit No. BE001RE:

**Section 1 (Modification 22-1).            STATUTES AND REGULATIONS**

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

**Section 2 (Modification 22-1).**

**PERMIT APPLICATION PACKAGE**

- A. The permit modification package for Modification 22-1 (“22-1 PMP”) consists of:
1. *Reclamation Monitoring Plan, Tijeras Mine and Mill, dated October 2021*
  2. *Comment on Reclamation Monitoring Plan to Permit No. BE001RE, Tijeras Mine & Mill, Bernalillo co.,NM, dated November 30, 2021;*
  4. *Modification Application for Reference Area for Reclamation Success Criteria at GCC Rio Grande Tijeras Mine and Mill (Permit No. BE001RE), dated April 29, 2022; (“Application”)*

**Section 4 (Modification 22-1).**

**FINDINGS OF FACT**

- A. The Permittee has paid the permit modification fee of \$1,000.00 as required by §19.10.2.201 NMAC.
- B. The application for permit modification has been reviewed in accordance with §19.10.5.505 NMAC and has been determined to be a modification in accordance with §19.10.5.505.B and §19.10.5.505.B(1) NMAC.
- C. Pursuant to §19.10.5.505.B(2) NMAC, the application for permit modification was accompanied by sufficient information for the Director to determine whether any of the factors listed in §19.10.5.505 NMAC are present.
- D. Pursuant to §19.10.5.505.B(3) the Director has consulted with the applicable state agencies including State Forestry Division, New Mexico Department of Game and Fish, Historic Preservation Division, New Mexico Environment Department, and the Office of the State Engineer.
- E. Pursuant to §19.10.5.505.C NMAC, the application for permit modification was in a format acceptable to the Director.

**Section 5 (Modification 22-1).**

**COMPLIANCE REQUIREMENTS**

- A. The Permittee shall conduct mining and reclamation operations only as described in the approved 22-1 PMP, the Permit, and any revisions or modifications approved by the Director.
- B. This permit Mod. 22-1 is issued pursuant to NMSA 1978, Section 69-36-1 et. seq. and Title 19, Chapter 10 NMAC. Permittee may be required to comply with other federal, State, county or local laws or ordinances before or while undertaking the activity that is

the subject of this permit revision. MMD does not, by issuing this permit revision or otherwise, make any comment on Permittee's compliance with such other laws. It is Permittee's sole responsibility to investigate and comply with the requirements of such other laws.

- C. The Permittee shall maintain all environmental permits required for the permit area. Revocation or termination of such a permit or the forfeiture of financial assurance related to such a permit is adequate grounds for the Director to issue a cessation order pursuant to §19.10.5.509.C and §19.10.11 NMAC.
- D. Permit Mod. 22-1 does not grant or create any water rights. Nor does MMD, by approving this permit revision or otherwise, make any comment on the water rights that the Permittee may or may not have available for use in the area covered by the permit revision. Permittee is solely responsible and obligated to comply with all state and federal laws related to water rights sufficient to support the activities contemplated by the permit revision.

**Section 6 (Modification 22-1). GENERAL OBLIGATIONS AND CONDITIONS**

The conditions outlined in this section are required for the Permittee to meet certain requirements of the Rules.

*Reference Area and Vegetative Success Criteria*

- A. This Permit Modification approves the Reference Area and associated Attachment B: *2021 Reclamation Monitoring Report GCC Tijeras Mine and Mill* at the Tijeras Mine and Mill at the location shown on Maps A-1 and A-2 Reclamation Monitoring Reference Area Site Map of the Application.
- B. This Permit Modification approves monitoring methods and schedule described in Section 3. Monitoring and Table I. Revegetation Monitoring Schedule found in the Application.
- C. This Permit Modification establishes the following success criteria at the time of Financial Assurance ("FA") release when evaluating reclaimed areas within the Permit Boundary.
  - a. Reclamation success for a self-sustaining ecosystem shall be determined through comparison of ground cover, shrub density, and diversity of the reclaimed area to the approved reference area with monitoring for the purpose of FA release being done in the same year.
    - i. Foliage or basal cover of native living plants of the revegetated area shall be established equal to 90-percent of the reference area to within a 90-percent statistical confidence.
    - ii. Shrub Density of native woody plant species shall be established to the approved density with an 80-percent statistical confidence.

- iii. Diversity of native plant life forms (woody plants, grasses, forbs) shall consider what is reasonable based on the physical environment of the reclaimed area.
- b. Because the Post Mining Land Use of Permit No. BE001RE is Wildlife Habitat, the operator shall select and use plant species on reclaimed areas based on the following criteria:
  - i. Their proven nutritional value for wildlife
  - ii. Their use as cover and security for wildlife
  - iii. Their ability to support and enhance wildlife habitat
  - iv. Distribute plant life forms to maximize benefits of edge effect, cover, and other benefits for wildlife.

*New Unit Blasting Requirements*

- D. Per 10.10.5.508 B.(11) the Tijeras Mine and Mill will be required the following conditions regarding explosive and blasting operations on New Units of Permit No. BE001RE:
  - a. Blasting reports associated with New Units shall be submitted to MMD for review within 3 days of blasting event with the recorded seismic reading included.
  - b. GCC shall notify MMD and the Village of Tijeras, in written format, of blasting activities a minimum of 24 hours prior to those activities occurring.
  - c. GCC shall monitor blasting intensity with two seismic monitoring stations at fixed locations within the Permit Area.
  - d. The following blasting information shall be included in the mine's annual report to the Mining Act Reclamation Program each year by April 30<sup>th</sup>.
    - i. Complaints received from the public and any mitigation
    - ii. Summary of blasting dates and locations for the year.

**Section 7 (Modification 22-1).**

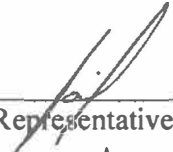
**CONCLUSIONS OF LAW**

- A. The Director has jurisdiction over the Permittee and the subject matter of this proceeding.
- B. The Mod. 22-1 PMP is complete, accurate, and complies with the requirements of the Act and Sections §19.10.5.502 NMAC and §19.10.5.503 NMAC and with conditions described in this Permit Revision document.
- C. The Mod. 22-1 PMP is complete, accurate, and complies with the requirements of Section §19.10.5.505 NMAC. The Permittee is permitted, pursuant to the New Mexico Mining Act, to conduct mining and reclamation operations at the Tijeras Mine and Mill, Bernalillo Co. County, New Mexico, upon the condition that the Permittee complies with the requirements of this Order, the Act, the Rules, and Permit No. BE001RE and all revisions thereof and modifications thereto.

All other provisions, modifications, and revisions for mining and reclamation contained in the Tijeras Mine and Mill Permit No. BE001RE, remain unchanged.

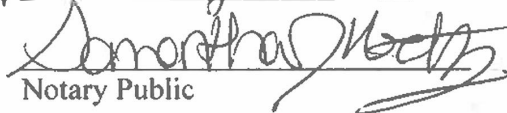
**CERTIFICATION**

I certify that I have read, understand and will comply with the requirements of this Permit, this Permit Modification, the Act, the Rules, including without limitation that I will allow the Director to enter the Permit Area as required by the Permit and/or the Rules and/or as otherwise required by law.

  
\_\_\_\_\_  
Authorized Representative of the Permittee  
Plant Manager  
Title

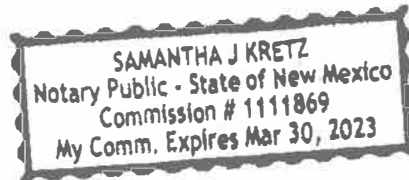
GCC Rio Grande  
Company

Subscribed and sworn to before me this 4 day of August, 2022

  
\_\_\_\_\_  
Notary Public


My Commission Expires

Mar. 30, 2022



**ORDER**

NOW THEREFORE, IT IS HEREBY ORDERED that the Director approves Permit Modification 22-1 to the Tijeras Mine and Mill, Permit No. BE001RE, located in Bernalillo County, New Mexico. The approval is for the establishment of a designated Reference Area on site, establishment of new Vegetative Success Criteria, and stipulates blasting reporting requirements. By Order of the Director, Mining and Minerals Division, Energy, Minerals and Natural Resources Department, of the State of New Mexico.

By:   
Jerry Schoeppner PG, Director  
Mining and Minerals Division  
Energy, Minerals and Natural Resources Department

Date: 8/5/2022