

State of New Mexico
Energy, Minerals and Natural Resources Department

Michelle Lujan Grisham
Governor

Erin Taylor
Acting Cabinet Secretary

Ben Shelton
Deputy Cabinet Secretary

Anna Aquilera
Division Director
Mining and Minerals Division



Electronic Transmission

September 01, 2026

Sherry Burt-Kested, Environmental Services Manager
Freeport-McMoRan Tyrone Inc.
P.O. Box 571
Tyrone, New Mexico 88065

RE: Agency Comments, Revision 26-1, 2025 Updated Tyrone Mine Closure/Closeout Plan Application, Permit No. GR010RE

Dear Ms. Burt-Kested,

Pursuant to 19.10.5.505 (B)(3) NMAC, the New Mexico Mining and Minerals Division (MMD) has distributed the Revision 26-1 Application to the required state agencies. This application was submitted on March 31, 2026, by Freeport-McMoRan Tyrone Inc. (FMI) for the Tyrone Mine, Permit No. GR010RE.

A Site Inspection was held on August 11, 2026, and was attended by FMI, MMD, and the New Mexico Dept. of Wildlife.

See MMD and NM Dept. Wildlife Comments in the attached Excel spreadsheet. To help facilitate tracking of comments, please use the spreadsheet for your responses.

See attached comments from the following agencies:

- New Mexico Environment Dept. – keep MMD cc'd on responses to DP1341 RAI
- New Mexico Historical Preservation Dept. – no response necessary
- EMNRD Forestry Division – no response necessary

Additionally, attached are comments from Navajo Nation and the White Mountain Apache Tribe.

MMD would like to set up a meeting with FMI to go over the comments prior to response. Please reach out after your review to set up a meeting. If you have any questions, please contact me at (505) 467-9589 or via e-mail at: clinton.chisler@emnrd.nm.gov.

RE: Agency Comments, Revision 26-1 2025 Updated Tyrone Mine Closure/Closeout Plan
Application, Permit No. GR010RE
September 01, 2026
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Sincerely,



Clint Chisler, Permit Lead
Mining Act Reclamation Program (MARF)

cc: DJ Ennis, Program Manager, MARF
Naudiea Davis, Environmental Engineer II, FMI
Ned Hall, Environmental Closure Regulatory Manager, FMI
Raechel Roberts, Senior Environmental Scientist, FMI

Mine File (GR010RE)

Attch: NMED RAI DP1341, dated 8/20/2026
NM Dept. of Wildlife Comment Letter, dated 8/26/2026
EMNRD Forestry Division Comment Letter, dated 7/13/2026
NM Historical Preservation Dept. Email, dated 6/22/2026
Comment Excel Spreadsheet

Permit GR010RE Revision 26-1 Comments (1st Round)

Narrative

1. Section 1.6 (p6):
 - a. 2nd Bullet: Typo. I think 1,025 ac, should be 337 ac. for the addition of the Emma Expansion.
 - b. Last paragraph should read “increased to” 1,377.5 ac., not “increased by”
2. Section 2.2.2.1 (p10):
 - a. Include Gettysburg In-Pit Leach, Copper Mt. In-Pit Leach in Figure 2-4
 - b. Is Reclaimed Copper Leach Stockpile a leach stockpile or reclaimed stockpile?
3. Section 2.2.2.2 (p12): “East In-Pit Waste” isn’t labeled on Figure 2-2.
4. Section 2.4.7.4 (p27): When is testing and analysis planned for RCM suitability for the Tertiary Quartz Monzonite and Copper Mt. Pit Expansion Area?
5. Section 3.4.2: Indicate on Figure 2-2 where the previously reclaimed P-Plant is located.
6. Section 4.1.2 and 4.2.2: Non-Waiver Open Pits, Placement of approved RCM – Emma Pit and RCM Stockpiles: What is meant by the statement “12 inches of salvaged topsoil (for FA purposes only)”?
7. Section 4.6 Facility Demolition: It is standard industry practice to break up concrete slabs and footing prior to covering with the appropriate cover material. Additionally, what is the process for identification and disposal of asbestos contaminated materials?
8. Section 6.3 Revegetation Monitoring Success/Table 7-3: MMD recognizes that over the last 25 years the current Tyrone Reference Area has changed and is no longer an “ecological barometer” for revegetation success and understands Tyrone’s proposal for a Technical Standard for revegetation success. MMD would prefer that the Technical Standard be proposed as a standalone number without the associated 70% and 90% described in Table 7-3. It is our interpretation that the use of these percentages is related to varying seasonal/yearly climatic conditions of both the reference area and the reclaimed area being surveyed. Because there is no way to adjust for seasonal/yearly climatic conditions once a Technical Standard is set MMD recommends that Tyrone reconsider using a reference area.
9. Table 7-1: All final seed mixes and seeding rates must be submitted to MMD prior to implementation.
10. Table 7-1: *Dalea formosa* Feather Dalea is included as an alternate shrub species. MMD would like to recommend including this species in applied seed mixes rather than as an alternate. This species has been observed to grow well on many reclaimed rocky areas.
11. Section 7.1: The Little Rock Pit Lake will require a determination/approval from NMED Surface Water and NM Wildlife Dept. prior to its final approval as a PMLU of Wildlife Habitat.

12. Table 4.2: Confirm that Non-Exempt (non waived) Pit benches will be covered with the appropriate RCM and revegetated.
13. Table 7-4/Figure 2-7: MMD's understanding is that the Former Tailing Thickeners with associated Tailing Pumphouse have been decommissioned and not in use since the early 90's. Since that time almost all infrastructure and facilities related to the milling operation at Tyrone have been reclaimed. Furthermore, during a site visit on May 13, 2026, it was noticed that many of the thickeners are being used for storage of contaminated soils and various drums and chemical tanks. Also noticed were ducks using these thickeners where water has collected and grown vegetation. It is unclear as to what the water quality is in these areas. For the reasons listed above MMD is requesting a schedule for the reclamation of the former tailing thickener area in the next 5 years.
14. MMD is requesting that Tyrone submit a corrective action plan for the ridge and valley reclaimed 1C Waste.
15. Figure 2-4: Please differentiate between currently reclaimed areas and areas planned to be reclaimed by EOY5 as different fill colors and in the legend. This issue was also noticed in other figures.
16. Explain what purpose the historic P-Plant serves and why reclamation has not occurred regarding this facility.
17. Figure 7-1: Break up figure 7-1 into multiple maps more clearly showing the details of the various PMLU's. For instance, the Water Management PMLU is difficult to distinguish on the current map.
18. Please provide information required per 19.10.12.1210 NMAC for the proposed release of the tailing facilities and Copper Mountain South Pit Expansion Area described in the cover letter. This information was not found in the CCP document. Provide information such as selected vegetation surveys and a report demonstrating that the areas proposed for release meet erosion and vegetative success criteria.
19. A second public notice (interested parties list) will need to be sent out regarding the topic of tailing facilities release because it was not mentioned in the original public notice. Provide MMD with a draft notice of this action.

Figures

1. Figure 1-2: It is difficult to discern the "Proposed Change to Tyrone Mine Permit Boundary" dotted line. Please provide clearer maps zoomed in for these areas.
2. Figure 2-2: Confirm that the existing Little Rock Permit Boundary is the same as the Proposed boundary.
3. Provide a map showing the current vs. proposed Pit Waiver Boundary. This map should have acreage in the key.

Appendix A: Highest Liability Technical Memorandum

1. MMD approves the highest liability year (End of Year 5) analysis found in Appendix A.

Appendix B: Reclamation Design Drawings

1. Confirm that all drawings and associated information regarding the Emma Pit Expansion is the same as the November 12, 2021, submittal.
2. All figures regarding the Emma Pit reclamation (including waste piles) call for 1 ft. of cover. If any of the reclamation or waste piles are found to be acid generating, MMD will require 3 ft. of cover. Explain what this 1 ft. of cover is and where it will be sourced.
3. Many areas in figures associated with the main Tyrone area in the permit describes regrading but does not mention placement of cover or thickness of that cover. Additionally, revegetation is not mentioned in the key of these figures. Please explain.
4. Please provide a series of figures describing proposed cover systems for the reclaimed units in this application.
5. Figure 002: Describe/Justify the increase in size of the Closure Waiver Area, specifically the out slopes of rock piles such as the 3B Waste and 2A Leach.
6. Explain the origin and use of the Soil Stockpile associated with the Emma Design.
7. Figure 007: Down drains don't seem to tie in at some locations on this figure, additionally, some benches are showing 90 degree turns with water flow arrows potentially pointing in the wrong direction.
8. Figure 009: Explain how the 6C Leach will be covered by the 6HW Waste. Is this exempt from the Copper Rule requirements?
9. Figure 014: Provide more description of the Northern Haul Rd. Excavation specifically callout LRC 015.
10. Figure 016: On this figure and as a general comment, please explain the slopes of top surface reclamation and how that will tie into down drains on sloped areas.
11. Figure 027 The OPSDA/Pit Waiver line does not seem to match the reclaimed areas on this Figure, specifically 2A Leach overlap. Please explain or correct.

Appendix C: Updated Facility Characteristic Forms

1. Include on the "Facility Characteristic Form" whether the units are acid generating or not.
2. Explain why the "Matrix of Costs, Capital Cost/Facility" section is mostly blank

Appendix D: Earthwork Cost Estimate Process Summary Report

1. Regarding hourly adjustment. For what tasks is FMI planning on adjusting the 50 min. workhour to a 60 min. workhour? Generally speaking, MMD is not in support of 60 min. workhour calculations.
2. Section 2.1: Please justify the 3-segment method for calculating haul distances. This may not be appropriate for longer, more complicated haul routes.
3. Section 3.1: Explain why facilities related to tailing operations have not been reclaimed thus far? Specifically, the tailing thickeners, acid unloading area, and the Tailing Dam 1 Reclaim Water Pumphouse.
4. Section 3.2: A 10% contingency amount of soil for the 4 in. of additional cover may not be sufficient. Explain how 10% was calculated.
5. Section 3.3: Why is a 1ft cover proposed in the Emma Pit areas (Upper East, Main South, Upper North, and Upper South rather than the 18 inches that is planned for other sections of the mine where NPAG material is being covered?
6. Section 3.6.3: A 10% estimate for seepage system replacement may not be sufficient. Explain how 10% was calculated.
7. Section 3.6.5: How were the unplanned disturbed area acreage calculations made?
8. Section 3.7: Explain how the metrics for Erosion Control and Monitoring, Water Quality Monitoring and Reporting, Road Maintenance, and Vegetation Maintenance were created.
9. MMD appreciates Section 2: Key Equations and Calculations to help guide our review of the upcoming RCE.

Appendix E: Water Management and Treatment Plan

1. Where will the harvested salt be ultimately placed and how will these areas be designed/reclaimed to protect ground water into the future?
2. How will the interceptor well water be managed and discharged?

Appendix F (RCMHP)

1. Appendix F states that “one random blasthole sample for every 250,000 tons of waste rock material”, however FMI’s March 31, 2025 response to the Joint Agency letter regarding the Updated Emma MCHP states that “one random blasthole sample for every 150,000 tons of waste rock material”. Please explain this discrepancy.
2. Section 1.1.2: The use of PCG Materials as an RCM source in the Emma Expansion area will require testing similar to the testing done in accordance with Mod. 22-1 to Permit No.’s GR007RE and GR010RE with the potential for a Test Plot Program being required based on the results.

3. Section 2.2: PCG Stockpile Monitoring: What are the soil suitability parameters being used for testing of the fine earth fraction?
4. Section 2.3.1: Emma Expansion Soil Salvaging: At what depth is Tyrone proposing to remove A and B horizon soils for the Soil Stockpile?

Emma Pit Expansion

1. As long as the Emma Expansion portion of Rev. 26-1 does not deviate from the old Rev. 21-1 (Emma Expansion) application, the Rev. 21-1 Amended Technically Complete Letter, dated Oct. 8, 2025, still stands as approval for this portion of the CCP minus any future FA submittals and negotiations. Please confirm that the Emma Expansion portion of Rev. 26-1 does not deviate from the old Rev. 21-1. If it does deviate, please provide details.



ELECTRONIC DELIVERY

August 20, 2026

Sherry Burt-Kested - Environmental Manager
Freeport-McMoRan Tyrone Mine Inc.
P.O. Drawer 571
Tyrone, NM 88065

**RE: Discharge Permit 1341 Renewal and Modification Application, Request for
Additional Information, Freeport-McMoRan Tyrone Mine Inc.**

Dear Sherry Burt-Kested:

The Mining Environmental Compliance Section (MECS) of the New Mexico Environment Department (NMED) received correspondence from Freeport-McMoRan Tyrone Mine Inc. (Applicant) on April 7, 2026, titled, *Application to Renew Discharge Permit 1341*, dated March 31, 2026 (Application). The Application includes the 2025 Tyrone Mine Closure/Closeout Plan Update (CCP) dated March 27, 2026, for Tyrone Mine. NMED informed the Applicant that the Application would be processed as a Renewal and Modification in an email sent on April 14, 2026. An Administrative Completeness Determination letter for the Application was issued to the Applicant by NMED on May 14, 2026. NMED received Proof of Public Notice from the Applicant on August 13, 2026.

NMED has initiated technical review of the Application in accordance with the general permitting requirements of 20.6.2 NMAC and supplemental copper mine facility permitting requirements of 20.6.7 NMAC. NMED has determined the Application to be technically deficient. Additional information is required pursuant to 20.6.7 NMAC in order for NMED to complete the technical evaluation of the Application. The purpose of this letter is to provide comments on and request additional information regarding the Application.

Comments Pertaining to the Application

SCIENCE | INNOVATION | COLLABORATION | COMPLIANCE

Ground Water Quality Bureau | 1190 Saint Francis Drive, PO Box 5469, Santa Fe, New Mexico 87502-5469

Telephone (505) 827-2900 | www.env.nm.gov/gwqb/

1. Pursuant to Subsection H of 20.6.7.33 NMAC, NMED requests the Applicant provide a table and figure that identifies all monitoring wells, extractions systems, interceptor systems, impoundments, reservoirs, and other operational items that will be covered and abandoned due to reclamation grading. Please provide information on how seepage and impacted groundwater from these locations will be contained and managed during and after reclamation.
2. Pursuant to Subsection L of 20.6.7.33 NMAC, NMED requests the Applicant explain what “Safely Accessible” means and the restrictions associated with monitoring, inspections, and maintenance as referenced in Section 4.1.2, 5.1.1, and 5.1.2.2 of the CCP. Please provide a figure showing the mine areas with restricted access for monitoring and maintenance for mining staff due to safety accessibility concerns.
3. Pursuant to Subsection H of 20.6.7.33 NMAC, NMED requests the Applicant to provide a drawing that indicates the locations of the twenty proposed Groundwater Interceptor Wells. In addition, please provide the borehole size, anticipated screen length, and total depth of the interceptor wells to obtain the proposed 200-foot depth below the Main Pit. Further, NMED requests the Applicant indicate operational life of the proposed interceptor wells and associated pumps and include maintenance and replacement costs of the interceptor wells and associated pumps in the CCP and Closure / Closeout Estimate (CCE). Further, NMED requests that the Applicant includes additional financial assurance for five additional contingency interceptor wells in the event that additional wells are needed to intercept groundwater flow to the Tyrone Open Pits at closure or during the post-closure period.
4. Pursuant to Subsection B of 20.6.7.33 NMAC, NMED requests the Applicant provide an updated Slope Stability Analysis to reflect all current and proposed stockpile ultimate configurations.
5. NMED requests the Applicant clarify if results from the *Closure Surface Water Conveyances Precipitation Analysis Task 3*, dated June 16, 2023, have been incorporated in the CCP design, plans, and specifications. Please refer to ConditionC110.B in DP-1341, dated September 17, 2021.
6. Pursuant to Subsection H of 20.6.7.33 NMAC, NMED requests the Applicant include manufacturer documentation demonstrating the estimated enhanced evaporation rates for the anticipated maximum TDS expected to be discharged from the evaporator units.

Further, please indicate if the estimates account for the effects of elevated dissolved salt concentrations and placement of units in shaded areas and during below freezing conditions.

7. Pursuant to Subsection H of 20.6.7.33 NMAC, NMED requests the Applicant indicate the proposed number of evaporator units as well as the estimated minimum and maximum evaporation rates for the proposed Evaporation System. NMED requests the Applicant clarify the proposed maximum elevation of the water evaporator locations and maximum elevation of spray from the evaporators.
8. Pursuant to Subsection H of 20.6.7.33 NMAC, NMED requests the Applicant clarify the minimum and maximum operational capacity of the Water Treatment Plant (WTP) in gallons per minute.
9. Pursuant to Subsection H of 20.6.7.33 NMAC, NMED requests the Applicant clarify if the WTP design includes redundancies such that the plant would still operate during maintenance and repair of plant components. If not, NMED requests the Applicant indicate how process water will be managed during the closure and post-closure period when the plant is not operational.
10. Pursuant to Subsection H of 20.6.7.33 NMAC, NMED requests that the Applicant clarify the expected operational life of each long-term water management or water treatment system, including interceptor systems, until each system is no longer needed to protect groundwater quality and applicable standards are met. The information requested is required to meet the intent of Subsection H of 20.6.7.33 NMAC which requires the applicant or permittee to submit closure water management and water treatment plans that, "describe the long-term water management and water treatment systems with sufficient detail, including locations of key components, expected operational life, material take-offs, and capital, operational and maintenance costs to prepare an engineering-level cost estimate. The plans shall provide sufficient details to estimate capital and operating costs to provide the basis for financial assurance for these activities".
11. Pursuant to Subsection J of 20.6.7.33 NMAC, NMED requests the Applicant clarify if the 2026 CCP and CCE includes inspecting and characterizing impacts to pipeline corridor areas for evidence of past spills as well as costs to remove or reclaim impacted areas.

12. Design of the down drain Energy Dissipators needs to be sufficient for the flow they are receiving. Please discuss how this is addressed in the CCP and will be accounted for in the CCE. Accordingly, and pursuant to Subsection E of 20.6.7.33 NMAC, NMED requests that the Applicant provide more details and cross-sections for all the down drain Energy Dissipators shown in the CCP including the dimensions of the down drain Energy Dissipators.
13. Pursuant to Subsection J of 20.6.7.33 NMAC, NMED requests the Applicant clarify if periodic removal of sediment from down drain Energy Dissipators are accounted for in the CCE.
14. Pursuant to Subsection A of 20.6.7.33 NMAC, NMED requests that the Applicant provide more details for the Emma Haul Road crossing at the Oak Grove Creek. Please indicate if there are cross culverts and head walls associated with the Emma Haul Road crossing.
15. Pursuant to Subsection C and F of 20.6.7.33 NMAC, NMED requests that the Applicant provide more details associated with how the 6HW Stockpile ties into the existing reclaimed 7A Waste Stockpile and how the CSG Stockpile will be managed with respect to the underlying reclaimed Mill Site. NMED acknowledges that both these stockpiles are being managed as Conditionally Exempt stockpiles; however, NMED requests that the Applicant provide existing adjacent grading information, including status of reclamation, percent of slope, thickness of existing cover material with tie-in cross-sections, type and physical properties of cover materials for all proposed stockpiles that are located within an area that has been previously reclaimed. Further, please provide additional details on the erosion control and prevention methods at the tie-in locations, and how the existing diversion channels will be re-routed around the proposed stockpiles.
16. Pursuant to 20.6.7.11 NMAC, NMED requests that the Applicant explain the “proposed permit boundary” shown on Figure 002. Please clarify if this boundary is an NMED or an Energy Minerals and Natural Resources Department Mining and Minerals Division (MMD) permit boundary. Please clarify why the proposed permit boundary does not include the Mangas Valley Tailing Areas and some of the EMW Stockpile footprint. NMED requests that the Applicant provide a figure or updates to Figure 002 that clearly displays the DP-1341 facility boundary.

17. Pursuant to Subsection A of 20.6.7.33 NMAC, NMED requests that the Applicant provide more information related to the top surfaces associated with all reclaimed stockpiles. Please provide grading and stormwater runoff information including but not limited to percent grade, area of top surfaces, stormwater runoff calculations, stormwater diversion size and locations, and additional erosion control and prevention features.
18. Pursuant to Subsection G of 20.6.7.33 NMAC, NMED requests that the Applicant clarify how the CCP meets the Process Solution reduction requirements. Table 1-2 of the CCP does not reference a CCP Updated Report Section.
19. Pursuant to Subsection E, H, I, J of 20.6.7.33 NMAC, NMED requests that the Applicant clarify which specific buildings and infrastructure will be utilized in the Post-Mining Land Use (PMLU) area. Please provide a grading plan for the structures that will be demolished within the PLMU area. In addition, please identify what building(s) and infrastructure will be utilized for the WTP.

Pursuant to Subsection G of Section 20.6.7.10 NMAC, the Applicant shall have 60 days from the date of this letter to provide the information requested. Upon request by the Applicant and for good cause shown, NMED may grant one or more extensions of time for the Applicant to provide the required information. NMED may have additional comments on the Application and CCP upon completion of the technical review and reviewing the forthcoming responses from this correspondence before deeming the Application technically complete. NMED is available to meet and discuss the above-listed comments.

If you have any questions, please contact me at (505) 487-6637, sean.madden@env.nm.gov, or mecs.general@env.nm.gov

Sincerely,

Sean Madden, Permit Lead
Mining Environmental Compliance Section
New Mexico Environment Department

SM:br:sm

cc: Sherry Burt-Kested, Chino Mines Company (sburtkes@fmi.com)
Adam Offutt, Freeport McMoRan Tyrone Inc. (aoffutt@fmi.com)
Clinton Chisler, MMD (clinton.chisler@emnrd.nm.gov)
Joseph Fox, MECS (joseph.fox@env.nm.gov)
Gila Ressources Information Project (grip@gilaresources.info)
Brad Reid, MECS (brad.reid@env.nm.gov)

From: [Ficke, Cash, DCA](#)
To: [Chisler, Clinton, EMNRD](#)
Subject: RE: Agency Consultation Request for Revision 26-1 to Permit No. GR010RE, Tyrone Mine
Date: Monday, June 22, 2026 12:33:51 PM

Hi Clint,

SHPO has reviewed the Revision to Permit No. GR010RE under HPD Log#128273. SHPO does not have any concerns or further comments regarding this Permit revision.

Thanks,
Cash Ficke



Cash M. Ficke, RPA
Archaeologist
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From: Chisler, Clinton, EMNRD <Clinton.Chisler@emnrd.nm.gov>
Sent: Tuesday, June 9, 2026 12:58 PM
To: Reid, Brad, ENV <brad.reid@env.nm.gov>; Rowe, Erika, EMNRD <Erika.Rowe@emnrd.nm.gov>; Seamster, Virginia, DGF <Virginia.Seamster@dgf.nm.gov>; Ficke, Cash, DCA <cash.ficke@dca.nm.gov>; Zemlick, Katie, OSE <Katie.Zemlick@ose.nm.gov>; Durr, Corey W <cdurr@blm.gov>; Padilla, Jenna - FS, NM <jenna.padilla@usda.gov>
Cc: Ennis, David, EMNRD <david.ennis@emnrd.nm.gov>; Kellermueller, Ronald, DGF <Ronald.Kellermueller@dgf.nm.gov>; Madden, Sean, ENV <sean.madden@env.nm.gov>
Subject: Agency Consultation Request for Revision 26-1 to Permit No. GR010RE, Tyrone Mine

Consulting Agencies,

Please see attached request for comment for Revision 26-1 to Permit No. GR010RE, Tyrone Mine. We will be planning a site visit in July in support of this Revision. Please contact me by 23 June if you would like to attend. Thank you again and please feel free to reach out with any questions.

Clint

Clinton M. Chisler

Senior Reclamation Supervisor
NM EMNRD Mining and Minerals Division
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Albuquerque

26 August 2026
Clint Chisler, Permit Lead
Mining Act Reclamation Program
Mining and Minerals Division (MMD)
1220 South St. Francis Drive
Santa Fe, NM 87505

***RE: Revision 26-1, Updated Closure/Closeout Plan, Tyrone Mine, Grant County, New
New Mexico, Permit No. GR010RE; NMDOW No. NMERT-6096.***

Dear Mr. Chisler,

The New Mexico Department of Wildlife (Department) has reviewed the revised Closure/Closeout Plan (CCP) referenced above. Freeport McMoRan Tyrone, Inc. (Tyrone) has submitted an updated CCP incorporating the Little Rock Mine and the Emma Expansion Area into the mine permit. Staff from the Department, MMD, New Mexico Environment Department, and Tyrone conducted a site inspection on 11 August 2026.

In Section 4.1, Open Pits, Tyrone states that it will avoid creating attractive areas/elements to birds and wildlife but does not fully explain how this will be accomplished. The Department is concerned that the reclamation of flat areas within the pits is questionable because it could serve to attract wildlife into an unfavorable area. The Department recommends that flat areas within the mine pits are not reclaimed and revegetated in a manner that could attract wildlife. The CCP also states that the surface of managed pit sumps will be covered by floating bird barriers to exclude birds. The Department also recommends that, in addition to floating bird barriers, site-specific wildlife fencing should be used to exclude terrestrial wildlife species from accessing potentially toxic water and the use of the smallest available mesh size to exclude small animals.

During the site inspection, we visited the old tailing thickeners area that is no longer used. Some of the eight tailing thickener tanks contained an assortment of mine refuse and defunct equipment. One of the tailing thickener tanks that retains water actually had a small island of wetland-like vegetation that has attracted water birds. While these tanks are planned to be demolished at mine closure, the Department recommends that Tyrone demolish the tanks as soon as possible, particularly those tanks that retain water and attract wildlife.

In Section 5.1.2.2, Little Rock Open Pit, the CCP states "the pit lake is expected to meet applicable standards and along with NPAG highwalls and reclaimed in-pit stockpile surfaces, will be part of the wildlife habitat PMLU [Post-Mine Land Use]". The Section more specifically states that Tyrone will rip and seed accessible open pit flat areas and benches that are not

covered by the ultimate pit lake that will form after dewatering stops. The Department maintains that the hydro-geological complexities at the site, and associated inherent uncertainties, will continue to make predicting long-term future pit lake water quality extremely difficult. In addition, the long-term potential effects of climate change and periods of prolonged drought could lead to hazardous water quality conditions for wildlife resulting from evapoconcentration of trace elements in the pit lake water. For this reason, the Department does not consider the pit lake to be appropriate wildlife habitat and does not recommend reclamation work within the pit that could attract wildlife.

In Section 6.3, Revegetation Monitoring Success, the CCP states that “based on the WSP (2024) evaluation, Tyrone believes the reference area is no longer a suitable comparison to determine revegetation success, and technical standards are more appropriate”. The Department does agree that reference areas are not always an appropriate choice in determining mine reclamation success standards and does not have an issue with Tyrone’s proposed substitution of a technical standard. The Department requests further discussion with Tyrone and MMD to gain a better understanding of the rationale and finer details for the proposed change and ultimate technical standard.

In Section 6.4, Wildlife Monitoring, the Department strongly supports Tyrone continuing to perform wildlife monitoring in accordance with the approved wildlife monitoring plans and MMD permits and applicable modifications. While the Department acknowledges that the results of the wildlife surveys are not a condition of, or given consideration with regard to, financial release of the reclaimed areas, the surveys do help to evaluate the quality and function of the areas that are designated as post-mining wildlife habitat. Wildlife survey data can also inform Tyrone about ways to improve seed mixes and habitat features that can provide additional benefits to wildlife.

In Section 7.1, Wildlife Post-Mining Land Use, Tyrone states, and the Department concurs, that pit lake highwalls are expected to present desirable nesting and perching sites for birds and other wildlife by providing a variety of features that include ledges, cavities, crevices, and talus slopes that can attract numerous species of wildlife. However, as stated previously, the Department recommends that Tyrone does not create additional features in the pit lake areas that could attract wildlife.

The Department concurs with the proposed seed mix in Table 7-1. The Department also recommends that Tyrone consider designing seed mixes that will enhance local pollinator habitat. For pollinating insects, including a diversity of flowering plants with different colors and shapes and flowering times that span spring through fall (March-October), rarer plants, perennials, native bunch grasses and thistles, some plants with pithy and woody stems, some bare ground, and high-nutrient or value plants (e.g., goldenrods [*Solidago* spp.], gumweed [*Grindelia* spp.], or sunflowers [*Helianthus* spp.]) may be beneficial. Ideally, at least three different species should be flowering at all times between March and October. Consult pollinator-friendly plant species lists provided by the [Xerces Society for Invertebrate Conservation](#) or other appropriate resources, including the [Ecological Revegetation Application](#). No-till drills may be more effective than broadcast seeding for establishing flowering plants. The Department also recommends that the seed mix and mulch be certified weed-free to avoid inadvertently introducing non-native species to the reclamation site and that sterile non-native seed sources not be used. If using mulch, a shallow layer of pebbles or compost, leaf litter, plant debris, or wood are preferred over plastic mulch. Any alternate plant species, used to substitute for primary plant species that are unavailable at the time of reclamation, should also be native. When possible, the Department recommends using seeds that are sourced from the same region and habitat type as the reclamation site and suggests including seeds from a region that

represents potential future climatic conditions at the site. Include as much locally appropriate genetic diversity in seed sources as possible.

Thank you for the opportunity to review and comment on the updated CCP. If you have any questions, please contact Ron Kellermueller, Mining and Energy Habitat Specialist, at (505) 270-6612 or ronald.kellermueller@dgf.nm.gov.

Sincerely,

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

cc: USFWS NMES Field Office

State of New Mexico
Energy, Minerals and Natural Resources Department

Michelle Lujan Grisham
Governor

Melanie A. Kenderdine
Cabinet Secretary Designate

Benjamin Shelton
Deputy Cabinet Secretary

Laura McCarthy, State Forester
Forestry Division



July 13, 2026

Clint Chisler
Permit Lead; Mining and Minerals Division
Energy, Minerals and Natural Resources Department (EMNRD)
1220 S. St. Francis Drive
Santa Fe, NM 87505

RE: Request for Review and Comment on Permit No. GR010RE, Revision 26-1, Updated Closure/Closeout Plan, Tyrone Mine in Grant County, NM

Thank you for the opportunity to comment on the above-mentioned project. I do not anticipate any impacts to State Listed Endangered Plants or Federally Endangered or Threatened plants as a result of this updated project closeout plan, as described in the application. I have also reviewed the seed mix that will be used in reclamation and I appreciate the diversity of species being used.

Please let me know if I can be of further help.

Sincerely,

A handwritten signature in blue ink, appearing to read "E. Rowe", with a long horizontal flourish extending to the right.

Erika Rowe
Endangered Plant Program Coordinator
EMNRD-Forestry Division
1220 S. St. Francis Dr.
Santa Fe, NM 87505
erika.rowe@emnrd.nm.gov
(505)699-6371 (Phone)
<http://www.emnrd.state.nm.us/SFD/>



White Mountain Apache Tribe

Office of Historic Preservation

PO Box 1032

Fort Apache, AZ 85926

Ph: (928) 338-3033 Fax: (928) 338-6055

To: Clint Crisler – Permit Lead Mining & Minerals Division

Date: July 17, 2026

Re: *Revision 26-1 to Permit No. GR010RE Tyrone Mine*

.....

The White Mountain Apache Tribe Historic Preservation Office appreciates receiving information on the project dated; July 09, 2026. In regard to this, please refer to the following statement(s) below;

Thank you for allowing the White Mountain Apache tribe the opportunity to review and respond to the above regarding the updated Closure/Closeout Plan for the Tyrone Mine, incorporating the Little Rock Mine into the Tyrone Mine Permit, and the addition of the Emma Expansion area into the Permit.

Please be advised, we have reviewed the information provided and determined the proposed mine project plans will have ***“No Adverse Effect”*** to the White Mountain Apache tribe’s cultural heritage resources and/or traditional cultural & historic properties.

Thank you for the continued tribal engagement and consultation, and collaborations in protecting and preserving places of cultural and historical importance.

Sincerely,

Mark Altaha

White Mountain Apache Tribe
Trial Historic Preservation Officer

From: [Alicia Becenti](#)
To: [Chisler, Clinton, EMNRD](#)
Subject: [EXTERNAL] Response to the Revision 26-1 to Permit No. GR010, Tyrone Mine
Date: Monday, June 22, 2026 3:11:20 PM
Attachments: [NM EMNRD Permit GR010RE.pdf](#)

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Dear Mr. Clinton Chisler,

The Navajo Nation Heritage & Historic Preservation Department acknowledges receipt of the State of New Mexico Energy, Minerals, and Natural Resources Department's letter regarding Revision 26-1 to the Tyrone Mine, Permit No. GR010RE.

Upon review, the Navajo Nation has not identified any Traditional Cultural Properties within the area. At this time, we have no comments or concerns regarding the Revision application and you may continue without further consultation.

If you have any questions, please do not hesitate to contact me directly. Thank you.

Respectfully,

Alicia Becenti, Senior Archaeologist
Navajo Nation Heritage & Historic Preservation Dept.
Cultural Resources Compliance Section (NNFRF)
Alicia.Becenti@navajo-nsn.gov