



July 11, 2016



Mr. Fernando Martinez, Director
Mining and Minerals Division
Energy, Minerals, and Natural Resources Department
1220 S. St Francis Drive
Santa Fe, New Mexico 87505

RE: Response to Agency Comments on Application to Update the Closeout Plan, Modification 16-1, Permit RA004RE, Rocky Mountain Mine

Dear Mr. Martinez:

Thank you for reviewing our application requesting a modification to the Rocky Mountain Mine Permit RA004E. As previously stated in your letter of July 7, 2016, we are specifically "... requesting an update to the closeout plan to reduce the post-mining surface elevations by approximately 30-35 feet as a result of the sale of pumicite overburden as aggregate."

We have read all cooperating agency and tribal comments and have organized our acknowledgements and responses as follows:

MMD Comments on Application for Updated Closeout Plan

- 1. Permit RA 004RE Request for Modification 16-1 Rocky Mountain Mine – pg. 1 Please provide the seed mix that will be used for interim seeding of top soil stock piles.

Response

A seed mixture containing five grass species and four forb species which are common to the Rocky Mountain Mine area has been developed for interim seeding of the top soil stock piles. The seed mixture is presented as Attachment 1 to this letter.

BLM Comments on CR Minerals Rocky Mtn. Mine Modification 16-1

Solid mineral activities are currently being reviewed through the BLM Farmington Field Office in coordination with the Taos Field Office. Our request for modification has been reviewed for consistency with the Mineral Materials Disposal regulations at 43 CFR 3600

Response to Agency Comments on Application to Update the Closeout Plan, Modification 16-1, Permit RA004RE, Rocky Mountain Mine



and a Determination of NEPA Adequacy (DNA) for this modification is currently under consideration by the BLM.

Response

CR Minerals acknowledges Mr. Gallegos' comments and appreciates the reviews as completed by staff from the Taos and Farmington Field Offices.

New Mexico Department of Game and Fish Comments on Updated Closeout Plan, Modification 16-1, Permit No. RA004RE, Rocky Mountain Min, Rio Arriba County, New Mexico. NMDGF No. 17030

The Department of Game and Fish (Department) does not anticipate significant impacts to wildlife or sensitive habitats, with implementation of the applicable mitigation or avoidance measures not to remove trees and large shrubs during the breeding bird season (March 1 - August 1).

Response

CR Minerals acknowledges the Department's response and will continue to implement the breeding bird mitigation/avoidance measures outlined in their letter of April 22, 2016 and above.

NMED Comments, CR Minerals Company, Rocky Mountain Mine, Updated Closeout Plan, MMD Permit No. RA004RE, Modification 16-1

"The activities described in the proposed modification should have no adverse impacts to the environment once completed."

Response

CR Minerals acknowledges the Department's response and appreciates the reviews from the MECS, WPD, and SWQB staff.

Request for Comments, CR Minerals Company, LLC, Rocky Mountain Mine, Rio Arriba County, Updated Closeout Plan, Modification 16-1 MMD Permit No. RA004RE

"The AQB has no objection to the current request for permit modification to extract and sell overburden aggregate consisting of pumicite from the Rocky Mountain Mine."

Response

CR Minerals acknowledges the Air Quality Bureau's response and appreciates the Bureau's review of our application. CR Minerals also understands this written evaluation does not supersede the applicability of any forthcoming state or federal regulations.

Rocky Mountain Mine Modification 16-1 application; Botany Program, State Forestry Division, Energy, Minerals, and Natural Resources Division



“The modification of the permit is not anticipated to change potential impacts on state listed endangered plants.”

Response

CR Minerals acknowledges the Botany Program Coordinator’s response and appreciates her review of our application. CR Minerals may initiate additional clearance surveys on the BLM lands affected by Modification 16-1 for the state-listed Brack’s hardwall cactus (*Sclerocactus cloverae* ssp. *brackii*) and Great Plains ladies tresses (*Spiranthes magnicamporum*) in June 2017.

Rocky Mountain Mine Modification 16-1 application; Hydrology Bureau, New Mexico Office of the State Engineer

“No water is used in the current mining operations, nor is any water use planned in the proposed modifications. The mining operations do not encounter any groundwater due to the depth to water near the operations. ... Based on the absence of any mine dewatering or water use in the operations, the Hydrology Bureau does not identify any issues or concerns associated with this project.”

Response

CR Minerals acknowledges the Office of the State Engineer’s response and appreciates their review of our application.

Response of the Hopi Tribe

“Therefore, in response to your request on how we would like to proceed with consultations, in cases where MMD is permitting mining operations on private land where MMD asserts cultural resources surveys are not required of proponents, we hereby will request field trips to the project areas, sponsored by MMD and the project proponents, to identify traditional cultural or religious properties that we would like MMD to take into consideration before making determinations.”

Response

CR Minerals acknowledges the Hopi Tribe’s response and appreciates their review of our application. We also encourage the tribe to continue the Section 106 consultation process with the BLM as it pertains to nearly all of the lands affected by the above referenced Modification 16-1.

Application for Modification 16-1 Rocky Mountain Mine, CR Minerals Company, LLC. Permit No. RA004RE; Santa Clara Pueblo

“Santa Clara Pueblo does have concerns regarding the effect the proposed change in operations could have on increasing dust emissions and other air pollutants from increased

Response to Agency Comments on Application to Update the Closeout Plan, Modification 16-1, Permit RA004RE, Rocky Mountain Mine



vehicle or equipment traffic in the additional hauling of the pumicite. The Pueblo also is concerned about the nature and extent to which the increased hauling operations could increase noise, and further impact the integrity of Santa Clara Pueblo cultural activities nearby.

Response

CR Minerals acknowledges Santa Clara Pueblo's concerns and appreciates their review of our application. We look forward to continuing our dialog and meetings with Pueblo to better address their concerns about our operations.

In conclusion, CR Minerals appreciates the New Mexico Mining and Minerals Divisions efforts to gather input and comment for this modification. Again, thank you for your consideration of this application. Please contact me if you have any questions or need additional information.

Sincerely,

Ed Dvorak, Vice President
Rocky Mountain Mine
CR Minerals Company, LLC
P.O. Box 708
Ohkay Owingeh, NM 87566

One (1) attachment: Interim seed mix for top soil stock piles

Cc: Davena Crosley, MARP, Permit Lead
Holland Shepherd, MARP, Program Manager
David Otori, MARP, Senior Reclamation Specialist
Jeff Whidden, CR Minerals, President
Joe Griego, CR Minerals, Mine Manager

| Species | Indian ricegrass (<i>Achnatherum hymenoides</i>) | Purple three-awn (<i>Aristida purpurea</i> var. <i>purpurea</i>) | Bottlebrush squirreltail (<i>Elymus elymoides</i>) | Sideoats grama (<i>Bouteloua curtipendula</i>) | Blue grama (<i>Bouteloua gracilis</i>) | Needle and thread (<i>Hesperostipa comata</i>) | Scarlet globemallow (<i>Sphaeralcea coccinea</i>) | Blue flax (<i>Linum perenne</i>) | White evening primrose (<i>Oenothera pallida</i>) | Plains aster (<i>Machaeranther a bigelovii</i>) | Total lbs PLS/acre |
|------------------------------|--|--|--|--|--|--|---|------------------------------------|---|---|--------------------|
| Cultivar | Paloma | | Toe Jam Creek | Niner | Hachita | | | | | | |
| Geoplasm Source | Pueblo, Colorado | | Elko County, near Tuscarora, NV | Socorro, New Mexico | | | | | | | |
| % of mix | 15% | 10% | 10% | 15% | 15% | 15% | 5% | 5% | 5% | 5% | |
| # PLS seed/ft ² * | 9 | 6 | 6 | 9 | 9 | 9 | 3 | 3 | 3 | 3 | |
| lbs PLS** | 0.9 | 0.6 | 0.7 | 0.75 | 0.3 | 1.5 | 0.1 | 0.15 | 5.1 | 0.05 | |
| lbs PLS (FINAL - rounded up) | 1 | 1 | 1 | 1 | 0.5 | 2 | 0.1 | 0.2 | 5 | 0.1 | 12 lb PLS/acr |

** PLS seed/ft² is based on assumed 60 seeds/ft² and lower value for Granite Seed Company's PLS seeding rate/ acre

** * Based on 60 pure live seeds (PLS) per square foot, drill seeded. This rate will be doubled to 120 PLS per square foot if broadcast or hydro seeded.

Proposed seed mix for interim seeding of top soil stock piles. CR Minerals Permit RA004RE, Request for Modification 16-1, Rocky Mountain Mine, July 11, 2016