

**PERMIT MODIFICATION 20-1 TO PERMIT NO. TA001RE  
QUESTA MINE  
EXISTING MINING OPERATION**

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

Permit Modification 20-1 (“Modification 20-1”) to Permit No. TA001RE (as amended from time to time, “the Permit”) is issued by the Director of the Mining and Minerals Division (“MMD”) of the New Mexico Energy, Minerals and Natural Resources Department (“EMNRD”) to:

Chevron Mining Inc.  
whose correct address is: 116 Inverness Drive East, Suite 207  
Englewood, Colorado 80112  
 (“Permittee”)

for the Questa Mine located in Taos County, New Mexico.

This Modification 20-1 approves the following changes to Permit No. TA001RE

- Changing the Post Mining Land Use (“PMLU”) from Forestry and Water Management to Wildlife Habitat and Industrial/Commercial
- Update approved waste materials authorized to be disposed of in the open pit
- Change Vegetation Management Objectives and Standards to align with the new Wildlife Habitat PMLU
- Add MMD/CERCLA agreement to the Permit

**Section 1 (20-1).**

**STATUTES AND REGULATIONS**

- A. This Modification 20-1 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”) (generally “the Rules”).
- B. This Modification 20-1 is subject to the Act, the Rules and any other regulations which are now or hereafter in force under the Act; and are made a part of this Permit by this reference.

**Section 2 (20-1).**

**PERMIT MODIFICATION PACKAGE**

- A. The Modification 20-1 Permit Modification Package (“20-1 PMP”) is comprised of the following documents:
- 1) Letter dated October 19, 2020, from CMI, *Request for Modification to Questa Permit No. TA001RE.*
  - 2) Final Version, dated March 03, 2021, *New permit language for Sections 6 and 9, Permit TA001RE, Revision 96-2 Section 6. Closeout Plan Summary, Revegetation*

*Monitoring.*

- 3) *Response to Comments received December 15, 2020: Comments on; Request for Modification to Questa Mine Permit No. TA001RE, dated October 19, 2020.*
- 4) *Modification to Questa Mine Permit No. TA001RE, Mod.20-1 DRAFT Condition, dated April 27, 2021*

**Section 3 (20-1).**

**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. Pursuant to 19.10.5.505(B) NMAC, the proposed change does not require public notice nor the opportunity for public hearing.
- C. Pursuant to 19.10.5.505(B)(1) NMAC, the proposed changes would not have a significant environmental impact.
- D. Pursuant to 19.10.5.505(B)(1)(b) NMAC, the proposed changes would not result in a significant increase in the amount of financial assurance cognizable as a significant environmental impact.
- E. Pursuant to 19.10.5.505(B)(2) NMAC, the application was accompanied by sufficient information for the Director to determine whether any of the factors listed in 19.10.5.505(B)(1) NMAC are present.
- F. Pursuant to 19.10.5.505(B)(3) NMAC, the Director consulted with NMED regarding the proposed change to the financial assurance instrument and revised cost estimate.
- G. Pursuant to 19.10.5.505(C) NMAC, 19-1 PMP was in a format acceptable to the Director. The 20-1 PMP has been reviewed in accordance with 19.10.5.505 NMAC. The 20-1 PMP is complete, accurate, and complies with the requirements for permit modifications under 19.10.5.505 NMAC.

**Section 9 (20-1).**

**CONDITIONS**

- A. TA001RE, Revision 96-2, Section 6, Closeout Plan Summary, Paragraph A, Post-Mine Land Use, is hereby superseded and replaced with the following:

The Post-Mine Land Use (“PMLU”) for the Questa Mine site is Wildlife Management and Industrial/Commercial. Development of a self-sustaining wildlife ecosystem comparable to the surrounding region is the goal of the Closeout Plan at the mine site. The old mill site and current wastewater treatment facility are designated as Industrial/Commercial PMLU. PMLU delineations are found in Item No. 3 (Attachment No. 1) of the PAP for this

Modification.

- B. TA-0001RE, Modification 17-1 Section 5, Conditions, Paragraph A, is hereby superseded and replaced with the following:

Approved Materials are defined as:

“Tailing associated with the tailing pipeline, historic tailing, sediment from stormwater catchments, and construction and/or demolition debris, generated during closure activities at the mine. These Materials can originate from removal operations at the Mill Area, the tailing pipeline corridor, and other locations at the mine, where approved closure activities have been identified, in the permit.”

- C. TA001RE, Revision 96-2, Section 6 Closeout Plan Summary, Revegetation Monitoring, is hereby superseded and replaced by the following lettered paragraphs is:

### **Revegetation Monitoring**

C. The Permittee shall perform vegetation monitoring of reclaimed areas during the 12-year financial assurance monitoring period, which will commence after the last year of augmented seeding, fertilization, or irrigation. The minimum 12-year monitoring period will determine whether or not the permit area has been reclaimed to a condition that allows for the re-establishment of a Self-Sustaining Ecosystem (19.10 NMAC, Part 12, 19.10.12.1204.A).

D. The Permittee will implement a systematic, statistically based monitoring program to confirm that the "site is reclaimed to a condition that allows for re-establishment of a Self-sustaining Ecosystem appropriate for the life zone of the surrounding areas" (19.10 NMAC, Part 5, 19.10.5.507).

E. The Permittee will implement a Revegetation Monitoring Program that will evaluate plant establishment and growth performance, to verify that the plant community is developing into a Self-Sustaining Ecosystem. Additionally, the program will provide a mechanism for implementing corrective actions if the revegetation plan goals are not being met. The Revegetation Monitoring Program will consist of the following activities:

- Collecting meteorological and vegetation performance data on the reclaimed areas. In coordination with the agency, soil characteristics including parameters such as macronutrient levels, organic matter content, and microbiology activity may be used to supplement the meteorological and vegetation performance data, where applicable.
- Documenting trends in vegetation and soil parameters over time through annual qualitative inspections, an interim quantitative survey in year 6 of the reclamation

and quantitative surveys in two of the last four years of the responsibility period to demonstrate the reclamation has met performance standards.

- In coordination with the agency, identifying areas where vegetation development may be performing below expectation and conduct substrate sampling if required.
- Providing recommendations for monitoring or amending revegetated areas that are performing poorly.
- Provide recommendations for future monitoring or amending revegetated areas, if necessary, in coordination with the agency. Data to be collected shall include diversity, woody plant density, and total canopy cover.

F. If after the implementation of the approved revegetation plan, a reclaimed area does not exhibit the potential to achieve the revegetation performance standards described above, the Permittee shall prepare a report which describes the area in question, the situation as identified, probable causes, and a corrective action plan. This report shall be submitted to MMD in a timely manner. The corrective actions to be taken include, but need not be limited to, addition of soil amendments, reseeding or interseeding of herbaceous and/or shrub species, and planting of woody species such as trees and/or shrubs, or the planting of trees islands or other appropriate land husbandry practices. Revegetated areas will be qualitatively evaluated on an annual basis to determine the extent of colonization by invasive species. Detailed plans for weed control will be developed as needed.

#### **Revegetation of Disturbed Areas**

G. Implementation of the revegetation plan will achieve the vegetation performance objective to reduce erosion rates by the planting and establishment of grasses, forbs, and woody plants and establish an ecosystem capable of providing food and cover for wildlife species. This will be implemented through simultaneous establishment of shrub and herbaceous cover. The permittee can request release of the site from a vegetation success perspective no sooner than 12 years after seeding, pending a demonstration of success.

H. The Permittee will apply a mixture of grasses, forbs and selected woody species to establish the vegetation cover for erosion and infiltration control on covered areas. Reclamation seed mixes, including alternate or substitute species, will be approved by the MMD. Vegetation established in drainage channels may be restricted to herbaceous species only, although selected native woody species of high evapotranspiration potential may also be established. Preliminary mixtures and application rates of grasses and forbs for herbaceous cover establishment are provided in the closeout plan in Tables 3-3 through 3-5 and can be further refined with on-going and proposed studies, such as, the Spring Gulch Cover Trials and Goat Hill North Pilot project. Final species selection will be based upon thorough characterization of the in-place cover material, availability of seed, and recommendations derived from site-specific performance data.

**Vegetative Management Objectives and Standards**

I. The final vegetation standards shall be:

A woody plant density equal to or greater than 320 stems per acre comprised of 4 species of shrubs, sub-shrubs, and/or trees. Volunteer vegetation can be included towards meeting vegetation success. At the completion of the 12-year monitoring period, the performance standard for total canopy cover shall be 70% of the technical standard of 30% canopy cover. The canopy cover standard may be refined pending the results of on-going field trials and projected pilot studies in consultation with MMD.

J. A diversity standard of at least 3 perennial grasses, 3 biennial or perennial forbs, 4 woody species including shrubs, sub-shrubs, conifers and/or deciduous trees. Minimum relative cover levels by life form for the diversity standard will be:

Life Form	Number of Species	Minimum Occurrence (% relative cover) 12-year
Perennial Grasses	3	1.5% Combined
Forbs	3	2% Combined
Shrubs, subshrubs and trees	4	5% Combined

The diversity standard may be refined pending the results of on-going field trials and projected pilot studies in consultation with the MMD.

K. The Permittee shall take the following reclamation measures to help stabilize portions of the pit where practicable and meet applicable federal and state regulations:

- 1). Broadcast seeding on accessible slopes and the pit bottom.
- 2). Aerial seeding will be performed on other portions of the pit slope and benches.
- 3). Surface water run-on diversion ditches around the north side of the pit will be constructed as a source control of runoff from natural/undisturbed ground; and
- 4). Trees and shrubs may be manually planted.

**Post-Mine Land Use**

L. Pursuant to §19.10.1.7. P.(5) NMAC, the PMLU for the Questa Mine site are wildlife and industrial/commercial. All areas of the site that have not been waived from the requirement to achieve a Self-Sustaining Ecosystem or are subject to the variance approved on May 24, 2002, shall be developed to allow for the establishment of a self-sustaining ecosystem.

M. Other portions of the site shall be designated as an industrial/commercial post-mining land use to accommodate a permanent water management system for the site including a water treatment plant, sludge repository and other ancillary support facilities in the mill site area. Additionally, areas designated as wildlife may contain wells, impoundments, and drainage and conveyance systems necessary for water management.

### **Revegetation**

N. The Permittee shall submit for MMD approval seed mixtures and planting rates for all areas to be revegetated as part of the Closeout Plan. The proposed seed mixtures and planting rates shall be provided to MMD, within 6 months after completion of on-going and proposed studies, such as, the Spring Gulch Cover Trials and Goat Hill North Pilot project.

O. The Permittee shall provide a revised revegetation plan, for MMD approval, within 6 months after completion of the on-going and proposed studies, such as, the Spring Gulch Cover Trials and Goat Hill North Pilot project. The revegetation studies will be used to describe how borrow material may be amended with fertilizer and/or organic material to assist in the establishment of self-sustaining plant communities of the types described by the Permittee in the Closeout Plan. Any Spring Gulch Waste Rock material used as cover material will be required to be amended at the same level as amended in CERCLA projects.

P. The Permittee's revised revegetation plan shall include the methods to be used to collect vegetation data on reclaimed areas once closeout of the site has been initiated. The plan shall include the statistical methods to be used to verify sampling confidence and adequacy.

### **Revegetation, Meteorological, and Wildlife Monitoring**

Q. The Permittee shall provide the results of qualitative or quantitative revegetation monitoring to MMD in the vegetation report due on November 1st of each year in years that it is performed. Revegetation monitoring shall include a description of plant diversity, woody plant density, total canopy cover, and, if applicable, the survival and growth of transplanted shrubs and trees.

D. The following MMD/CERCLA statement will be included as a Condition to the TA001RE Permit:

A. This permit is not intended to conflict or be inconsistent with any approved remedial action selected for the Mine Site under the EPA CERCLA process. Remedial actions must be agreed to in Implementing Agreements signed off by the state agencies.

**All other provisions contained in the Permit remain unchanged by this Modification 20-1**

**Section 10 (20-1).**

**CONCLUSIONS OF LAW**

- A. The Director has jurisdiction over the Permittee and the subject matter of this proceeding.
- B. 20-1 PMP is complete, accurate, and complies with the requirements of the Act and §19.10.5.505 NMAC and with conditions described in this Modification 20-1 document.

All other provisions, modifications, and revisions for mining and reclamation contained in the Questa Mine Permit No. TA001RE, remain unchanged.

CERTIFICATION

I certify that I have personally examined and am familiar with the information submitted to MMD as described in this Modification 20-1, and based on my inquiry of those individuals responsible for obtaining the information; I believe the submitted information is true, accurate, and complete.

I certify that I have read, understand and will comply with the requirements of this Modification 20-1. I also agree to comply with the performance and reclamation standards and requirements of the Permit, its Modifications and Revisions, the Rules, and the Act, and allow the Director to enter the permit area without delay for the purpose of conducting inspections.

James P. Walker  
Authorized Representative of the Permittee

Vice President  
Title

Chevron Mining Inc.  
Company

Subscribed and sworn to before me this 30<sup>th</sup> day of April, 2021

Ana C. Martinez  
Notary Public

My Commission Expires

July 24, 2022



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Questa Mine

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**ORDER**

IT IS HEREBY ORDERED that Permit Modification 20-1 to Permit No. TA001RE allowing the aforementioned changes to the Permit in this document. The Permit may not be transferred without approval by the Director. The Permittee shall be responsible at all times for maintaining FA in a form(s) and in an amount sufficient to meet the requirements of the Mining Act Rules. The Permit is subject to all the Act and Rules and conditions set out in the Director's Findings of Fact, Conclusions of Law, General Obligations and Conditions, and Order.

By Order of the Director, Mining and Minerals Division, Energy, Minerals and Natural Resources Department, of the State of New Mexico.

By:



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Jerry Schaeppner PG, Director  
Mining and Minerals Division  
Energy, Minerals & Natural Resources Department

Date:

5/18/2021  
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