



DIRECTOR AND SECRETARY
TO THE COMMISSION
Michael B. Sloane

STATE OF NEW MEXICO DEPARTMENT OF GAME & FISH

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28 May 2024

Kevin Myers, Permit Lead
Mining Act Reclamation Program
Mining and Minerals Division (MMD)
1220 South St. Francis Drive
Santa Fe, NM 87505

***RE: Response to Agencies' Comments, Revision 23-1 to Continental Mine and Mill,
Update to Closure/Closeout Plan, Permit No. GR002RE; NMDGF No. NMERT-3479.***

Dear Mr. Myers,

The New Mexico Department of Game and Fish (Department) has reviewed the above referenced response to agencies' comments for the update to the Closure/Closeout Plan (CCP), submitted by Freeport-McMoRan Chino Mines Company (Chino), for the Continental Mine and Mill (Continental).

The Department appreciates Chino's response, which provided more detailed information on the current and predicted water quality of the Continental's pit lake. Telesto (2022) documented the current pH of the pit lake to be 7.52 and that the pit lake also currently meets wildlife habitat standards defined in 20.6.4.900.J(1) of the New Mexico Administrative Code (NMAC). Geochemical modeling for a 300-year projection period indicated that pH values would range between 6 and 7 and that water quality of the pit lake would continue to meet wildlife habitat standards. Thus, Chino believes that excluding wildlife from accessing the pit lake as recommended by the Department is not warranted. The Department still contends that modeled, future water quality conditions in the pit lake, especially model results projected far into the future, will always have inherent uncertainties and are no guarantee that the water quality will remain safe for wildlife. The Department recommends that, at minimum, Chino incorporates language into the CCP indicating that adaptive management practices will be implemented to exclude wildlife from the pit lake if it is determined in future that pit lake water quality has become hazardous to wildlife.

The Department continues to recommend that Chino provide nearby sources of clean drinking water to attract wildlife away from the pit lake. The wildlife drinker tanks should be designed with textured escape ramps to prevent unintentional entrapment and drowning of smaller animals. The Department is available for consultation regarding appropriate wildlife drinker tank designs.

Thank you for the opportunity to comment on Chino's response to agencies' comments for the updated CCP for Continental. 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 for Technical Guidance

cc: USFWS NMES Field Office