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12 March 2025

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

RE: Revision 23-2, Site Wide Closure/Closeout Plan Update 2024, Chino Mine, Grant County, New Mexico, Permit No. GR009RE; NMDGF No. NMERT-4108.

Dear Mr. Barnes,

The New Mexico Department of Game and Fish (Department) has reviewed the above referenced Site Wide Closure/Closeout Plan (CCP). Freeport-McMoRan Chino Mines Company (Chino) submitted to MMD an updated CCP presenting a reclamation plan for the Chino Mine that is consistent with all applicable federal and state regulatory requirements and permit conditions. Staff from the Department, MMD, New Mexico Environment Department, and Chino conducted a site inspection on 5 and 6 March 2025.

The CCP states that Chino will “minimize adverse impacts to waterfowl and other wildlife resulting from ponding or water impounded in the pit areas” but does not specify how this would be achieved and maintained after mine closure.

The Department recommends that all wildlife should be excluded from accessing potentially toxic pit lake water to the greatest extent that is reasonably feasible. Post-closure, the pit lake should be fenced to exclude terrestrial wildlife. The above-ground fence height should be a minimum of eight feet to exclude deer and elk (*Cervus canadensis*) and should include an additional two feet of fence that extends below ground to deter animals from burrowing under, for a total of ten feet. The Department also recommends that the bottom two feet of the above-ground fence include a permanent solid or scored plastic or metal barrier, potentially with a horizontal lip at the top, to exclude smaller animals from accessing the pit lake.

The Department would also like clarification regarding what methods Chino will utilize to exclude birds from accessing the pit lake water after mine closure (e.g., floating bird balls or hexagons, netting, hazing). The Department is available for consultation to help Chino determine the most cost-effective way to prevent or minimize the potential for birds to come in contact with potentially toxic pit lake water.

The Department also recommends that Chino provides some type of alternative, clean water sources that would help attract wildlife away from the pit lake area.

The CCP water management plan states that the pit lake water level will be maintained by pumping pit lake water out onto flat areas within the Santa Rita pit and evaporated. The evaporative salts that accumulate in this process would then be removed and stored as a potential future resource. This technique seems to be the long-term strategy that Chino is proposing to maintain pit lake water levels in perpetuity after mine closure. The Department questions whether this type of pit lake water management can realistically be maintained in perpetuity and suggests that Chino design a more self-sustaining alternative for implementation.

In general, the Department concurs with Chino's proposed reclamation seed mix with the following recommendations:

- Change the common name for *Linium lewisii* from blue flax to Lewis flax. Blue flax (*Linum perenne* L.) is a similar Eurasian plant that has naturalized throughout the United States.
- One of the alternative species, white sweet clover (*Melilotus alba*), is not native to New Mexico. The Department recommends using the native species blanket flower (*Gaillardia pulchella*) or some other appropriate native species.

Thank you for the opportunity to comment on Chino's proposed CCP update. 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, Ecological and Environmental Planning Section

cc: USFWS NMES Field Office