



Cynthia Gulde
Regulatory Affairs Advisor

April 5, 2020

Mr. Clint Chisler
Mr. Holland Shepherd
Mining and Minerals Division
Energy, Minerals and Natural Resources Department
Wendell Chino Building
1220 South St. Francis Drive
Santa Fe, NM 87505

RE: Response to Comments received December 15, 2020: Comments on; *Request for Modification to Questa Mine Permit No. TA001RE*, dated October 19, 2020

Dear Mr. Chisler and Mr. Shepherd,

Below are Chevron Mining Inc.'s (CMI) response to comments received December 15, 2020 related to the *Request for Modification to Questa Mine Permit No. TA001RE*, dated October 19, 2020. The Energy, Minerals and Natural Resources Department (MMD) comments are listed followed by CMI's response.

Request to modify Modification 17-1 Section 5A (approved waste for pit disposal)

1. Please clarify how the change in approved waste materials for pit disposal will affect the reclamation of the pit at final closeout.

RESPONSE: *Currently the waste materials are planned for placement in the approved open pit disposal area (August 18, 2015 Closeout Plan). It is anticipated that the final closeout design will align with the design presented in the Integrated Design Report provided under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), dated July 27, 2020, and approved on August 21, 2020. As the design of the remaining rockpiles progresses, the agencies will review and provide approval of the final design. Reclamation of the pit will follow the final approved design under CERCLA.*

Request to modify PMLU Section 6A

2. Please provide a detailed map(s) of the Mine Site showing the proposed areas (PMLU boundaries) for each of the new PMLU designations; Wildlife Habitat and Industrial/Commercial. Also include Permit Boundaries on this map.

RESPONSE: *An updated map is provided as Attachment 1.*

Request to modify Vegetation Management Objectives and Standards Sections 6 and 9

3. See Attachment 1 for Agency changes made to Sections 6 and 9 to the Closeout Plan Revision 96-2 of Permit No. TA001RE.

RESPONSE: *The final proposed changes are included as Attachment 2.*

NM State Forestry Comments

4. See Attachment 2 for comments received from NM State Forestry

RESPONSE: *As part of the remediation of the rockpiles we will use the approved seed list per the Group 1 Waste Rock Pile (WRP) Project Final Design Report and Work Plan dated*

April 5, 2021

November 2, 2020. Under the Group 1 WRP design, CMI will be planting shrubs, forbs and grasses as was agreed by MMD and CMI.

NM Environment Dept. ("NMED") Comments

5. See Attachment 3 for comments received from NMED.

RESPONSE: CMI has reviewed the comments provided by NMED. Based on the comments NMED either had no objections or no comments to the proposed changes. However, NMED MECS and AQB included some discussion in their comments. CMI provides the following clarifications to address concerns included in the comments:

MECS: Per the Record of Decision (ROD), the remaining rockpiles (termed the Group 2 WRP) will be completed under CERCLA. EPA, NMED, and MMD, will participate in the review and approval of the Group 2 WRP designs. In the future, if material not currently anticipated or currently approved for placement is proposed to be placed in pit, CMI will request approval pursuant to DP-1055 and MMD closure requirements.

AQB: As noted in the comment, CMI has an approved Air Quality Permit that it will continue to operate under. However, CMI notes that CERCLA Remediation activities conducted onsite will follow CERCLA Section 121(e), which preempts the requirement to obtain permits purporting to regulate onsite remedial work. Nonetheless, all remediation activities will meet substantive provisions of state and federal regulations.

CMI appreciates the opportunity to provide responses to comments received related to the request to modify Permit TA001RE. Should you have any questions or require additional information please contact me at 832-586-5984.

Sincerely,



Cynthia Gulde, Ph.D.
Regulatory Affairs Advisor

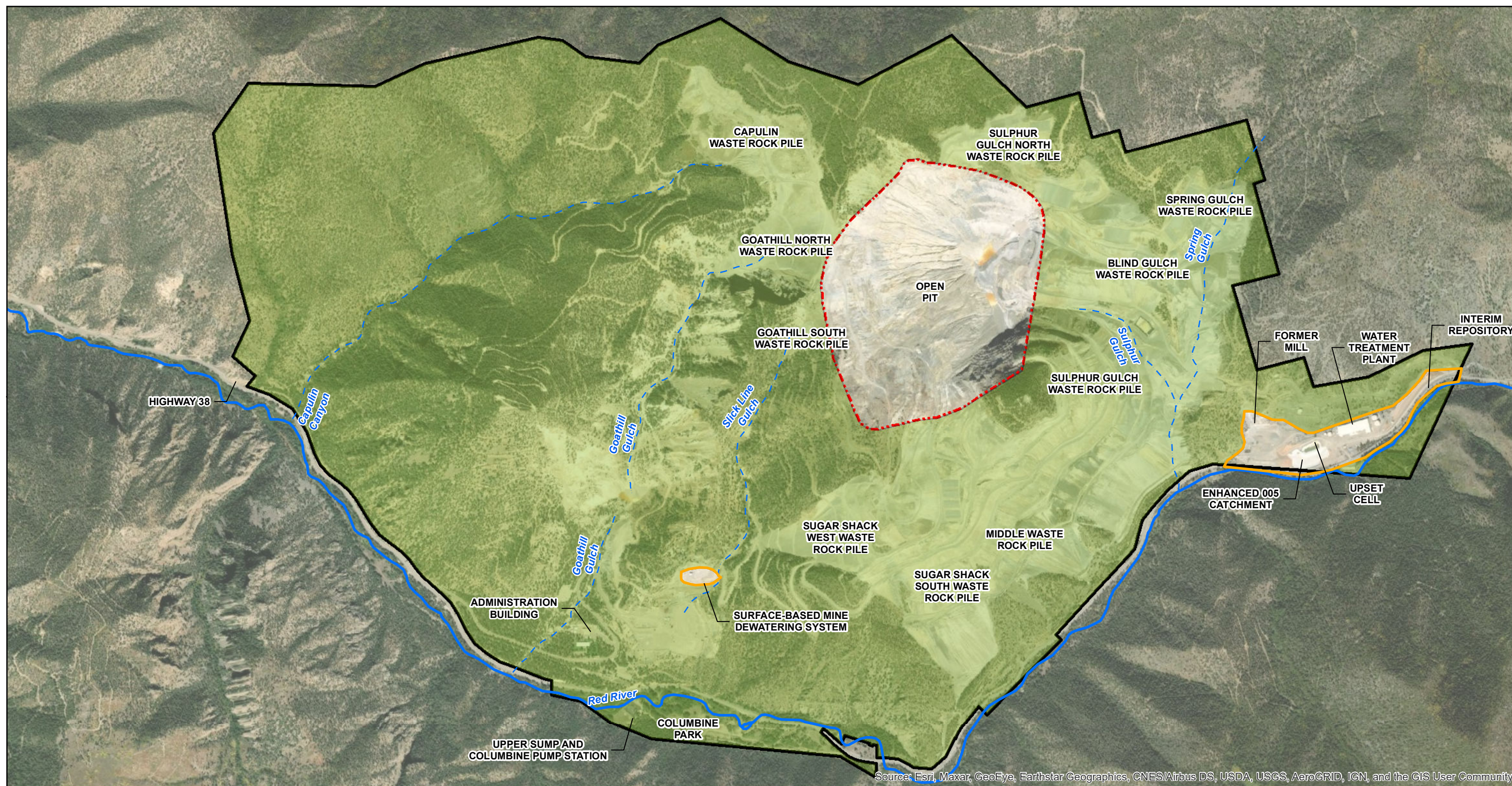
Cc:

Anne Maurer, NMED

Cynthia Gulde, Ph.D.

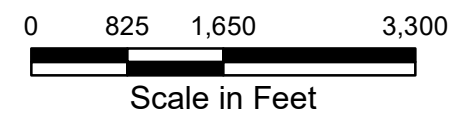
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Attachment 1



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

- Legend**
- - - Open Pit
 - - - Pre-Mine Drainage
 - Red River
 - Commercial
 - Wildlife
 - MMD Mine Permit Boundary



CHEVRON MINING INC., QUESTA MINE
QUESTA, NEW MEXICO

**POST MINE LAND USE SECTION 6.A
PROPOSED BOUNDARY MAP**

Note:
 State Plane Coordinate Datum:
 NAD83 State Plane NM Central Feet (ft)
 Base Imagery provided by ESRI ArcGIS online Bing Map Hybrid and Bing Maps Aerial 2018

ARCADIS | FIGURE 1

Attachment 2

New permit language for Sections 6 and 9, Permit TA001RE, Revision 96-2

Section 6. Closeout Plan Summary

Revegetation Monitoring

- K. 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).
- L. 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).
- M. 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 microbial activity may be used to supplement the meteorological and vegetation performance data.
 - Documenting trends in vegetation - 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.
 - Data to be collected shall include diversity, woody plant density, and total canopy cover.
- N. 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

- O. 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.
- P. 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 have been 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

- Q. 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.

- R. A diversity standard of at least 4 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	4	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.

- U. 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

Section 9. Conditions

Post-Mine Land Use

- D. Pursuant to §19.10.1.7. P.(5) of the Rules, the post-mine land uses for the Questa Mine site are wildlife and industrial/commercial. All areas of the site, other than E below, 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.
- E. 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 (see Map 2). Additionally, areas designated as wildlife may contain wells, impoundments, and drainage and conveyance systems necessary for water management.

Revegetation

- O. 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.

- P. 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
- Q. 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

- R. 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.

This is the verbiage that I would like to add to the cover letter and as a finding of fact to the permit as the CERCLA disclaimer.

This permit is not intended to conflict or be inconsistent with any 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, Once agreed to the MMD can be updated to address the relevant elements of the Implementing Agreement.

