



Michelle Lujan Grisham
Governor

Howie C. Morales
Lieutenant Governor

**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Ground Water Quality Bureau

1190 St. Francis Drive / PO Box 5469
Santa Fe, NM 87502-5469
Phone (505) 827-2900 Fax (505) 827-2965

www.env.nm.gov



James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

September 10, 2020

Ms. Sherry Burt-Kested, Manager
Environment Services
Freeport-McMoRan Chino Mines Company
P.O. Box 10
Bayard, New Mexico 88023

**RE: Approval of Chiricahua Leopard Frog Surveys Report, Fall 2019, Lampbright Investigation Unit,
Chino Administrative Order on Consent**

Dear Ms. Burt-Kested:

To complete the Lampbright Investigation Unit (LIU) Ecological Risk Assessment (ERA), the New Mexico Environment Department (NMED) required FMI to conduct an updated Chiricahua Leopard Frog (CLF) population census survey for presence/absence of CLF, and a habitat survey for suitable or marginal habitat. NMED received and reviewed the above referenced report dated February 14, 2020. The report has also been reviewed by the U.S. Fish and Wildlife Service (USFWS) and the New Mexico Department of Game and Fish (NMDGF) The general public had opportunity to review the report during the 30-day public comment period, which ended on April 24, 2020. NMED did not receive any comments from the public, and the USFWS and NMDGF's opinion is that the survey was satisfactorily thorough, conducted in accordance with the CLF Final Recovery Plan and guidance, and that the report did not require any changes.

NMED finds the report satisfies the requirement for the population and habitat survey in the LIU and approves the report. This, in turn, serves as a completion of the Lampbright Ecological Risk Assessment, dated May 2018.

If you have any questions please contact me at (575) 956-1550.

Sincerely,

David Mercer, Chino AOC Project Manager
Mining Environmental Compliance Section
Ground Water Quality Bureau
New Mexico Environment Department
Silver City Field Office

DWM: dwm

cc: Petra Sanchez, USEPA (via email)
Michelle Hunter, NMED (via email)
Kurt Vollbrecht, NMED (via email)
Joe Fox, NMED (via email)
Mike Steward, Freeport-McMoRan Inc. (via email)
Pam Pinson, Freeport-McMoRan Inc. (via email)
Joe Allen, Formation Inc. (via email)